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ABSTRACT

The United States Commission on Civil Rights sponsored a consultation in 1975 to review the relationship between desegregation, court orders, and suburbanization, as well as to assess what further role the Commission might play in discharging its responsibility to advance the constitutional rights of all children to a desegregated education. This book contains four papers which were presented and discussed at the consultation. The first paper addresses the suburbanization of America. It traces the movement of population from cities to suburbs and places this movement in an historical perspective. The second paper focuses on the court, congress and school desegregation. It examines the role of the Federal courts as instruments of social change and the constitutional issues involved in any congressional attempt to limit their power to order remedies, including busing. The third paper written by James Coleman, focuses on school desegregation and the loss of whites from large central city school districts. This paper examines trends in school desegregation between 1968 and 1973. Public school desegregation and white flight is also the topic of the last paper. Its analysis of school desegregation and white flight goes into great detail about the differences of various versions of James Coleman's analysis of desegregation and white flight, Coleman's methodology, and assumptions. (Author/AM)

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# SCHOOL DESEGREGATION: THE COURTS AND SUBURBAN MIGRATION

A Consultation Sponsored by the U.S. Commission on Civil Rights. Washington, D.C.— December 8, 1975

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## Preface

In the autumn of 1975, the United States Commission on Civil Rights, aware of an accelerating and expanding assault on school desegregation, undertook a major effort to counter this assault. The "new thrust," as it became known, is aimed at building support for school desegregation, stemming the tide of opposition to it, and retaining victories already won.

The increased opposition to school desegregation focuses on busing or, as its opponents call it, "forced busing." The President has spoken against busing; the Congress has debated legislation and constitutional amendments to end or lessen busing; only the Federal courts continue to hew to the constitutional mandate of *Brown* v. *Board of Education*. The mass media—television, radio, the daily press, and the news magazines—covered antibusing developments in Boston and Louisville and, in doing so, began to look at busing in a new light. Some have raised the rhetorical question: "Is busing worth all this trouble?" Others have flatly opposed busing "for racial balance," and some have continued to support the courts in ordering busing as a remedy for a constitutional wrong.

The Commission on Civil Rights, as part of its "new thrust," sponsored a consultation on "School Desegregation: The Courts and Suburban Migration." Held on December 8, 1975, the meeting addressed the major issues in the countroversy.

Four papers were presented and discussed at the consultation. The first, "The Suburbanization of America," was presented by Robert C. Weaver, former Secretary of the Department of Housing and Urban Development. It traced the movement of population from cities to suburbs and placed it in historical perspective. Dr. Weaver was assisted in the preparation of his paper by Ernest Erber, director of research and program planning of the National Committee Against Discrimination in Housing.

The second paper, "Court, Congress, and School Desegregation," was presented by Robert B. McKay, former dean of the School of Law of New York University. It examined the role of the Federal courts as instruments of social change and the constitutional issues involved in any congressional attempt to limit their power to order remedies, including busing.

The third paper, "School Desegregation and Loss of Whites from Large CentralaCity School Districts," was presented by James S. Coleman, professor of sociology at the University of Chicago. It examined trends in school desegregation between 1968 and 1973 and set forth findings and an analysis of the data on which they were based. The analysis was based upon a study done by Dr. Coleman, Sara D. Kelly, and James A. Moore for the Urban Institute, Washington, D.C.

The fourth paper, "Public School Desegregation and White Flight: A Reply to Professor Coleman," was presented by Robert L. Green, dean of the College of Urban Development at Michigan State University. Its analysis of school desegregation and white flight differed from Dr. Coleman's and sharply disagreed with his conclusions and opinions. The paper was developed by Dr. Green and Thomas F. Pettigrew, professor of social psychology and sociology at Harvard University. Robert Griffore, doctoral student, College of Education, Michigan State University; John Schweitzer, associate professor, and Joseph Wisenbaker, instructor, both of the College of Urban Development, Michigan State University, assisted in development of the oral presentation.

Following the Coleman-Green exchange, Edgar Epps, professor of urban education at the University of Chicago, and Robert L. Wolf, director of the Indiana Center of Evaluation at Indiana University, commented on the discussion.

Francis Keppel, former U.S. Commissioner of Education, closed the meeting offering his observations on the day's deliberations.

The views expressed by the participants in their papers and the discussion are their own and do not necessarily represent those of the United States Commission on Civil Rights.

These proceedings were prepared by Frederick B. Routh, director, and Everett A. Waldo, assistant director, Special Projects Division, Office of National Civil Rights Issues; and Carol-Lee Hurley, editorial supervisor, Office of Management, U.S. Commission on Civil Rights. Mr. Routh served as coordinator of the consultation.

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# INTRODUCTION*

The United States Commission on Civil Rights sponsored a consultation on December 8, 1975, in Washington to review the relationship between desegregation, court orders, and suburbanization, as well as to assess what further role the Commission might play in discharging its responsibility to advance the constitutional rights of all children to a desegregated education. Papers and statements were solicited from a variety of experts in the field. This introduction summarizes the presentations made by participants in the consultation and analyzes the points raised.

## *The Suburbanization of America*

Dr. Robert Weaver, former Secretary of the Department of Housing and Urban Development, began the presentation with a discussion of the process of suburbanization. His paper points out that suburbanization is a very old process dating back to five centuries before the birth of Christ. He noted that there always have been places to which the well-to-do have moved to escape the less desirable aspects of urban life. These earliest suburban areas almost always were areas for the highest income group, which could afford the transportation cost or could afford to maintain more than one residence.

The origin of suburbs in this country, Dr. Weaver explains, goes back at least to the turn of the century. As larger cities, especially those on the East Coast, began to grow, as transportation facilities were developed, and as industry showed the first sign of decentralizing (and using horizontal assembly processes), suburbs began to emerge. These were not all high-income suburbs but included many industrial and satellite suburbs as well. Close-in suburbs became a "zone of emergence" for upwardly-mobile sons and daughters of immigrants. This out-movement continued until the Depression, when it declined to a relatively low level until the end of the Second World War.

Over the years, Dr. Weaver states, the form and the function of suburbs changed. Until the end of the war, suburbs were largely dependent on the city for jobs, vital amenities, and for many services. Subur-

* This introduction is based upon a paper summarizing the consultation, prepared for the Commission by Dr. Philip L. Clay, Department of Urban Studies and Planning, Massachusetts Institute of Technology.

ban development clustered on established transportation links to the city. Over the last 30 years, however, the suburbs have developed a cultural and political independence and an economic interdependence. Dr. Weaver notes George Sternlieb's suggestion that suburbs have reached a critical mass. Not only do they have a large population, they now have more political power than the central cities—along with cultural and civic amenities.

Turning to the individual household factors in suburbanization, Dr. Weaver asks why households have moved in such large numbers to the suburbs. Clearly, it would be logically improper to infer individual action entirely from aggregate trends, especially when the changes have been so profound and yet so selective among suburbs by racial and other status characteristics. Dr. Weaver suggests that both "push" and "pull" factors are at work. On the "pull" side, he points to data that suggest that the strongest attraction to the suburb is the availability of a wider range of job opportunities. Other "pull" factors include the desire for a rustic ambience, for space, and for the opportunity to own a home. The cumulative effect of these attractions made politicians responsive and accommodating to suburban growth and development. As a result, the "pull" was further helped by highway development, very favorable tax policies, and Federal mortgage insurance programs—features that the central city could not match.

According to Dr. Weaver, there were also some "push" factors at work. Support for city services and maintaining productive jobs were on the decline, and taxes and crime had increased. The number and percentage of blacks increased, but that has been a much more varied phenomenon than is generally believed. In many cities, the number of blacks did not become significant until the early or mid-sixties, while the suburban growth began in the late forties and early fifties. In many other cities, blacks have yet to become a significant percentage of the population. Suburbanization is not tied, either in time or geographically, to the existence of blacks, to say nothing of specific court-imposed desegregation orders. It may be inferred that (1) school desegregation could not be responsible for the general growth of suburbs and (2) that the reason individuals move is not only a function of what the city offers or fails to offer, but what the suburbs offer as well.

Dr. Weaver concludes that the injection of race into discussion of suburban development obfuscates rather than clarifies. Suburbs emerge to meet some legitimate and nonracial (and only partly class) goals of individual households, as well as to respond to aggregate demographic and economic trends. It is unfortunate that many commentators both in the social science community and in the political community have

seized upon race or racial dominance as a causal element in trends which have many, and still tangled, origins.

## *The Courts, Congress, and School Desegregation*

Having traced the demographic issues, consultation participants turned their attention to the legal issues, specifically the development of case law related to school desegregation and the relationship among the branches of government in school desegregation matters.

Mr. Robert B. McKay, former dean of the New York University Law School, began by pointing out that over the years the three branches of the Federal Government have played a key role in developing civil rights policy and extending the scope of enforcement activity. The greatest gains in civil rights occurred when the three branches of government were generally working together toward the expansion and enforcement of civil rights. Indeed, as a general statement, when the branches of government move single-mindedly in this way progress is possible; when the branches move in different directions, or with differing levels of enthusiasm, then the separation of powers and the checks and balances among the branches inevitably lead to slowdowns, and even to retrenchment and paralysis in the Federal effort. The chronology of Federal activity in school desegregation illustrates this phenomenon.

**Chronology of Significant Federal School Desegregation Activities, 1954–75**

**1954**

*Brown v. Board of Education*, 347 U.S. 483 (1954)

Found that "separate but equal" schools deprived black children of "equal protection of the law."

**1955**

*Brown v. Board of Education*, 349 U.S. 294 (1955)

Ordered that blacks be admitted to public schools on a nondiscriminatory basis "with all deliberate speed."

**1964**

Civil Rights Act of 1964

While Congress gave blacks access to public accommodations and publicly-supported facilities, it included a proviso that Federal officials and courts could not issue any order requiring transportation of students to achieve racial balance beyond constitutional requirements.

**1966**

*U.S. v. Jefferson County Board of Education*, *372 F.2d 836, 847 (5th cir. 1966)*

Found that "the only school desegregation plan that meets constitutional standards is one that works."

**1966**

Elementary and Secondary Education Amendments of 1966, Pub. L. No. 89–750, 80 Stat. 1191, § 181.

Congress specifically refused to authorize HEW to require pupil transportation in order to overcome racial imbalance.

**1968**

*Green v. County School Board*, 391 U.S. 430 (1968)

The Supreme Court rejected "freedom of choice" because it failed to produce any significant desegregation and because it failed to remove the racial identification of schools.

**1969**

*Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969)

Schools were told by the Supreme Court that they could delay desegregation no longer and that they had to develop a unitary system of education.

**1971**

*Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971)

The lower court order to bus children to achieve school desegregation was upheld as an appropriate means of dismantling the dual system of education and removing the vestiges of discrimination in the schools.

*North Carolina State Board of Education v. Swann*, 402 U.S. 43 (1971)

The court ruled in a related case that a State law prohibiting busing "would deprive school authorities of the one tool absolutely essential to fulfillment of their consitutional obligation to eliminate existing dual school systems." 402 U.S. at 46 (1971).

**1972**

Amendments were passed that restricted the use of Federal funds for pupil transportation to achieve desegregation, extended to all regions of the country the proviso against Federal officials issuing orders designed to achieve racial balance in public schools, and allowed parents of transported students to seek to reopen cases where travel time or distance was excessive. Act of June 23, 1972, Pub. L. No. 92–318, §§ 801–806, 86 Stat. 371–72.

**1973**

*Keyes v. School District No. 1*, 413 U.S. 189 (1973)

Busing was ordered in Denver. This represented the first case in which a busing order was upheld by the Supreme Court outside of the South. The Court said that when a segregative intent exists in a substantial portion of the school system, then a system-wide remedy to assure nondiscrimination is permissible.

*Bradley v. State Bd. of Education*, 412 U.S. 92 (1973) There was no Supreme Court majority in a case involving a metropolitan solution for Richmond schools. The Congress was considering and the President was proposing drastic antibusing legislation to curb court-ordered busing.

**1974**

*Milliken v. Bradley*, 418 U.S. 717 (1974)

In an appeal of a lower court order for metropolitan busing in Detroit to end *de jure* segregation, the Supreme Court did not approve metropolitan busing, noting a failure to demonstrate constitutional violations on the part of the suburban jurisdictions.

The Congress backed down on harsh antibusing legislation aimed at reducing Federal court jurisdiction, but passed restrictions on the use of pupil transportation for desegregation beyond the next nearest school of each pupil and establishing priorities for remedies in school desegregation cases. Congress also prohibited the issuance of administrative or judicial orders requiring student reassignment for desegregation at times other than the beginning of an academic year. Pub. L. No. 93-380, §§ 201-259, 88 Stat. 484.

[Editor's Note: After this consultation was over but before these proceedings went to press, the Supreme Court decided *Hills v. Gautreaux*, 44 U.S.L.W. 4480 (US April 20, 1976), establishing the policy that metropolitan relief—in this case involving housing discrimination—is permissible under certain circumstances. The Court distinguished between this case and *Milliken v. Bradley*, 418 U.S. 717.

The *Hills v. Gautreaux* ruling enables HUD to finance construction of lower- and middle-income housing beyond the political and geographical boundaries of a city (in this case, Chicago) which has been found to have discriminated in its public housing policy, "but within the housing market relevant to the respondents housing options***."

The potential effect of this decision on school desegregation might appear obvious, yet it is too early to make any specific prognoses. If the suburbs are opened, in fact, to lower- and middle-income families—including minority families—minority children will attend subur-

ban schools in increasing numbers and, in some communities, for the first time.

White flight—an alleged movement of middle-class white parents to the suburbs supposedly to avoid inner-city school desegregation—if at all significant, could well be slowed if suburban schools also are integrated.]

As a result of these events, one point has emerged that Mr. McKay notes is of particular importance: The Federal court system is the only branch of the Federal Government still committed to the use of busing. Both the Congress and the President are retreating on the issue of desegregation, especially as it involves the forms of segregation most common in the North.

With this analysis, Mr. McKay outlines the implications of the present situation. He sees almost no possiblity of congressional antibusing legislation that would avert a constitutional confrontation with the Supreme Court. Prospects for a constitutional amendment that prohibits busing are minimal; such an amendment poses certain conceptual problems that trouble even busing opponents (President Ford, for example, while opposed to busing, also opposes a constitutional amendment to ban it). Enforcement by the executive branch has been less than vigorous, according to Mr. McKay. For example, HEW recently returned to the Treasury more than $2 million in civil rights enforcement money.

The conclusion that evolved from the legal analysis by Mr. McKay is that busing is firmly in place (from a legal perspective) as the best tool and, in many cases, the only tool for desegregation. Congress and the President are limited in what they can do about it, although their ability to frustrate the effectiveness of busing is, nevertheless, real and increasingly problematic.

The two papers thus far presented bring us to the challenge of the consultation: If, as Dr. Weaver argues, suburbanization has been independent of desegregation, and if, as Mr. McKay argues, busing is the best and legally most acceptable way to desegregate, how do we deal with Dr. James Coleman's argument that busing is counterproductive to the desegregative intent of the courts?

## *Desegregation and the Loss of Whites from the Schools*

Dr. Coleman became prominent in social science and public policy with a major HEW report in 1966 that noted the importance of the family background of schoolmates in the achievement of lower-class

children.[1] This report was widely used to support desegregation efforts although it was not initially intended for that purpose.

Recently, as part of a large project for the Urban Institute in Washington, Dr. Coleman turned his attention to the effect of school desegregation on loss of white children from certain city school districts. Pointing out some variation among regions of the country and between small and large districts, he notes that there was some decline in the amount of segregation within school districts and that segregation between districts increased. This suggests that whites leave the increasingly black central districts for white suburban districts.

Coleman suggests that the causal element in the process is "substantial desegregation." In the Urban Institute study, he examined Federal date from 1968 to 1973 for 21 of the 23 largest school districts and a second category of 46 of the 47 next largest districts. (The inclusions and cutoffs in these categories were the subject of substantial controversy.) Dr. Coleman did a number of statistical tests and concluded that, depending on the percentage of blacks in the system and the amount of desegregation that occurs, the average loss of whites may range from 3 to 40 percent. (It should be noted that none of the large central-city districts considered by Coleman had court-ordered busing during the study period. His conclusion about the impact of court-ordered busing is not, strictly speaking, a finding from his data.) Coleman's major arguments are quoted in the findings below:

1. In the large cities (among the largest 23 central-city school districts) there is a sizeable loss of whites when desegregation takes place.

2. There is a loss, but less than half as large, from small cities. These differences due to city size continue to hold when the reduced opportunity of white flight into surrounding school districts in the smaller cities is taken into account.

3. The estimated loss is less in northern cities which have undergone desegregation than in southern ones.

4. In addition to effects of desegregation on white loss, both the absolute proportion of blacks in the central city and their proportion relative to blacks in the surrounding metropolitan area have strong effects on loss of whites from the central city district.

5. Apart from the general effect on white loss, a high absolute proportion of blacks in the central city and a high difference in racial composition between the central city district and the remaining metropolitan area both intensify the effects of desegregation on rates of white loss.

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[1] James S. Coleman *et al.*, *Equality of Educational Opportunity* (1966).

6. When general rates of white loss for individual cities are taken into account, the desegregation effects still hold to about the same degree as estimated from comparisons among cities.

7. No conclusive results have been obtained concerning the direct effect of desegregation in subsequent years to the first. The indirect effect, however, through increasing the proportion black in the city and the segregation between the city district and suburban ones, is to accelerate the loss of whites.

8. The effect of desegregation on white loss has been widely different among different cities where desegregation has taken place.

9. Because, insofar as we can estimate, the loss of whites upon desegregation is a one-time loss, the long-term impact of desegregation is considerably less than that of other continuing factors. The continuing white losses produce an extensive erosion of the interracial contact that desegregation of city schools brings about.

Coleman concludes from his analysis that the courts' aim of reducing segregation in public schools is being defeated by the individual preference of whites for an all-white (or much less black) suburban system. What is emerging is a black central-core district with white districts surrounding it. He implies that: (1) Some way should be found to accommodate "the will of the community" (presumably the white community, since that is where opposition to busing is manifest), and (2) that attempts to undo *de facto* segregation (which is not caused by state action but individual action) reduce individual rights.

In the discussion which follows Dr. Green's presentation, Dr. Coleman advocates intermarriage as a means of creating "a large set of interested parties whose orientation to this issue is not so fragile as that of a set of white liberals who happen to live in the suburbs."

### *The Green-Pettigrew Rebuttal*

Professor Robert Green and Professor Thomas Pettigrew are both distinguished social scientists who have studied school desegregation extensively. Their paper (presented by Professor Green) is based not only on their own findings, but also on findings from related studies on the subject by independent researchers. The paper also contains an analysis of the context in which the Coleman-generated controversy arises.

Dr. Green began by pointing out how Dr. Coleman's research had been initially presented. He traced the development of at least three versions of Coleman's paper, each with a different research design and

somewhat different findings, but all with the same conclusion about the role of court orders in hastening white loss. None of the cities included by Coleman were under court order during the period 1968–73. Dr. Green notes that Dr. Coleman, nevertheless, consistently presented his views to the press as based on his data.

Dr. Green next turns to a review of findings from other researchers on this topic. Dr. W. Reynolds Farley, a University of Michigan sociologist, using the same data (1967–72) but for a larger group of cities, found no relationship between desegregation and loss of whites from the system. Dr. Christine Rossell, a Boston University political scientist, found that desegregation (especially in high-income communities) may have a social integrating function. With respect to "white flight" and school desegregation, she found no significant trend in white flight accounted for by desegregation, although she used the same national data as Dr. Coleman and, in addition, she collected more detailed data from local school districts. Her findings even held true in the limited numbers of cities that implemented court-ordered desegregation during the period.

Additional analysis by Dr. Gregg Jackson, then on the staff of the Commission on Civil Rights, and by Dr. Pettigrew himself showed that school desegregation was not independently or substantially responsible for white loss from the schools.

The Green-Pettigrew paper goes into great detail about the differences in various versions of the Coleman paper, the methodology of Dr. Coleman's critics, and the sharp differences in the definitions, methods, and assumptions they employed. These critics generally suggested that Dr. Coleman chose the most restrictive definitions and assumptions to include in his analyses. For example, in his general model, intended to reflect an average effect, Dr. Coleman chose to assume that blacks were 50 percent of the model school system (when the real average is 28 percent) and a reduction in segregation of .2[2] or more (only 6 percent of the systems had that much), thereby creating conditions that pertained to only 1 percent of his total observations. Such a weighting of the data led to a prediction of the worst result on average.

Drs. Green and Pettigrew then looked at the studies, including Dr. Coleman's, to attempt to identify what could be reliably said from the data about the relationship between school desegregation and loss of whites from school systems. Their findings are quoted below:

[2] The .2 figure is related to a segregation index used by Dr. Coleman. If all schools have the same percentage of blacks as there are in the school district as a whole, the index would be 0.00. Typical values of the segregation index in large cities before desegregation were in the range of 0.6 to 0.8.

1. There has been an enormous, long-term trend of whites leaving the central cities for the suburbs and blacks coming into the largest central cities.

2. There is agreement among the studies that there is little or no effect of desegregation on the "white flight" of students in medium- and smaller-sized cities.

3. There is agreement that there is little or no effect of desegregation on the "white flight" of students in metropolitanwide districts.

4. Desegregation required by Federal court orders has not had different effects on "white flight" from other desegregation of equal magnitude.

5. The loss of white and black students from large urban school systems is significantly related to the proportion of black students in the system.

6. Extensive school desegregation in the largest nonmetropolitan school districts, particularly in the South, may hasten "white flight" in the first year of the process for families already planning to move; but at least part of this effect may be compensated for in later years.

A panelist, Dr. Robert Wolf, director of the Indiana University Center for Evaluation, points out that "white flight" does not necessarily reduce interracial contact in the schools, as Dr. Coleman has argued. Many of the whites who left the system had not been in desegregated situations before, and the overall result, despite some flight, may be to increase interracial contact among those who remain.

Over and above the issues raised in the individual papers, a number of more general issues were raised during the consultation.

The first such issue is the "ecological fallacy,"[3] first raised in the Green paper. Dr. Coleman, Dr. Green stated, made an argument about individual action, yet presented nothing that addressed individual motivations behind mobility. Dr. Weaver touched on this issue by pointing out the "push" and "pull" factors involved in the suburbanization process. To the extent that individual actions and their motivations were not addressed with the same depth as the aggregate trends, the consultation—and current research—are incomplete.

The "ecological fallacy" issue gains in significance when examining individual situations. The local context and the interaction among local events, local demography, specific desegregation tools, and trends in

[3] By "ecological fallacy," social scientists mean drawing unwarranted conclusions regarding individual motivations or actions based upon aggregate data.

suburbanization are often pivotal. The Washington, D.C., area, for example, suffers from great interdistrict segregation. However, the same events that in other cities led to increased interdistrict segregation led in Washington to a very substantial increase in black suburbanization as well. This phenomenon illustrates a far more complicated picture of mobility.

Similarly, substantial black suburbanization occurred in the Los Angeles area and modest increases occurred in a half dozen other cities. In these areas, the important motivations seem to have been housing and job opportunities and, in the case of blacks particularly, rising income for a select minority. Education or desegregation was a late factor and hardly the most significant one.

Another issue raised by the consultation is the relevance of concern for "white flight." The courts have taken note of the hardships that busing may cause and have articulated instances where busing may be inappropriate. In *Swann v. Charlotte-Mecklenburg Board of Education* [402 U.S. 1 (1971)] the Supreme Court stated that "an objection to transportation of students may have some validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process."[4] Aside from this restriction, however, busing has been deemed essential to assuring the rights of black and other minority children.

The Supreme Court's critics charge that *Swann* violates the rights of white children to education at a "neighborhood school." But whites do not have the right to exclude blacks or to preserve a school district in a manner that appeals to their prejudices or economic interest. (The amenities enjoyed by the suburbs, as Dr. Weaver pointed out, were granted largely with the help of Federal legislation.) White flight from an unsatisfactory situation poses no *constitutional problem*, although from a larger, urban development perspective, most would agree it is desirable to provide a high quality of life in all sections of a metropolitan area for all citizens and for some stability to obtain. (There was little discussion of the latter premise.)

Policymakers are daily faced with the necessity to act on dated, imperfect, and seriously conflicting data. Both public policy and social science are dialectical. (Both contain a thesis, an antithesis, and a synthesis.) New situations, new data, and new experiences will point out errors or shortcomings that have to be resolved. The issues surrounding school desegregation have become more controversial because they have been debated in the media and because social scientists are divided.

[4] 402 U.S. at 30–31.

Another issue raised in the consultation centers on what remedies are appropriate for school segregation. Dr. Coleman advocated "voluntary integrating transfers." Under this system, blacks would be able to attend any school where their presence would promote desegregation (intra and interdistrict). Movement would be voluntary for students, but a school would have to accept blacks until minority enrollment reached a target level. No white children would be forced to move under this plan.

Dr. Green and several others question whether this plan meets the constitutional mandate of *Swann*. They see it as a variation on the "freedom of choice" theme which the courts have discarded for several reasons: It doesn't work; the burden of desegregation falls too heavily on black children; and racial identification of schools remains. The constitutionality of the voluntary transfer plan remains in serious doubt.

Drs. Green and Pettigrew argue for a metropolitan approach that would allow the courts more stability and flexibility in developing a remedy that they admit currently is too dependent on forcing blacks and poor whites to fight for declining and seriously inadequate resources for schools. In addition, a metropolitan approach would assure more demographic stability. Such plans need not involve metropolitan government, which is opposed by a large and powerful constituency, including most black political leaders.

In the discussion of remedies, little was said about quality education, perhaps because legally desegregation is not tied to the quality of education. *Brown* said that separate is inherently unequal. However, the ultimate support for desegregation will rest on whether blacks and whites are satisfied that their children will gain a better education at the end of the bus ride. While this issue did not significantly surface at the consultation, it will ultimately have to be addressed.

The Commissioners and staff were pleased with the results of this consultation, for they believe that it provided a public forum for an orderly, rational, and scholarly discussion of a highly emotional issue. Each of the major papers and the discussions that followed them contributed to a further understanding of the various positions held by scholars of differing or opposing viewpoints.

The Commission will not issue findings and recommendations at this time. Those will come later in the report to the Nation and will be based upon the several projects undertaken as part of the Commission's "new thrust" program, which is aimed at examining the current status of school desegregation throughout the Nation.

There are, however, some general conclusions that the Commission believes may be drawn from the papers presented and the deliberations held at the consultation.

First, the suburbanization process—the movement of middle-class whites and, to a lesser extent, middle-class blacks from the inner city to the suburbs—predates school desegregation. The evidence presented at the consultation suggests that school desegregation and the busing of school children may accelerate this movement in some communities, particularly during the first year of school desegregation. With few exceptions, the degree of acceleration was not of great significance.

Second, the United States Supreme Court and the other Federal courts have held that school segregation is unconstitutional and to effectuate this holding have ordered the dismantling of "dual" school systems. Further, the courts have held that, in certain situations, busing is a necessary and reasonable means for the implementation of constitutionally-mandated school desegregation.

Third, congressional and executive attempts to limit or restrict the authority of the Federal courts to provide remedies, including busing, for constitutionally prohibited school segregation can lead to a direct confrontation between them and the courts and to a constitutional crisis. Fourth, congressional and other attempts to seek a constitutional amendment to prohibit busing as a means for constitutionally-mandated school desegregation are ill conceived.

Fifth, school desegregation, including busing, has a better chance for public approval or acceptance when it is supported as the law of the land by educational, civic, religious, business, labor, and elected leadership.

Sixth, school desegregation, including busing, has a better chance of succeeding when the three branches of the Federal Government are mutually supportive of its implementation.

Seventh, from many points of view, a more effective remedy for school segregation in many parts of the Nation is to be found in metropolitan desegregation than in desegregating the central city alone.

# SCHOOL DESEGREGATION: THE COURTS AND SUBURBAN MIGRATION

## A Consultation Sponsored by the United States Commission on Civil Rights, Washington, D.C., December 8, 1975.

The U.S. Commissior on Civil Rights convened pursuant to notice at 9 a.m., Arthur S. Flemming, Chairman, presiding. Present: Arthur S. Flemming, Chairman; Stephen Horn, Vice Chairman; Manuel Ruiz, Jr., Commissioner; Murray Saltzman, Commissioner; Robert S. Rankin, Commissioner; Frankie M. Freeman, Commissioner; John A. Buggs, Staff Director.

### Proceedings

CHAIRMAN FLEMMING. I am very happy at this time to call this hearing to order. The purpose of the hearing, or public consultation, is reflected very accurately in the program for the day. I assume that everyone has a copy of the program.

We are honored to have with us today Dr. Robert C. Weaver. It was my privilege to be associated with Dr. Weaver during the days when he was a public servant here in Washington. As we all know, his services here led to his being appointed as Secretary of the Department of Housing and Urban Development. He is certainly one of our nation's outstanding leaders in the area in which he is going to direct his attention this morning.

At the present time he is president of the National Committee Against Discrimination in Housing, and also a distinguished professor of urban affairs at Hunter College.

Dr. Weaver, I speak for all of my colleagues when I express to you our deep appreciation for your willingness to develop this paper, and then to be here with us this morning to discuss what we as a Commission regard as among the most important issues confronting us in the area for which we have responsibility.

Dr. Weaver.

**STATEMENT OF ROBERT S. WEAVER, PRESIDENT, NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, AND FORMER SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

DR. WEAVER. Thank you, Dr. Flemming, members of the Commission, ladies and gentlemen.

It is a great pleasure, Dr. Flemming, to be back working with you, as was my privilege a couple decades ago.

Suburbanization has been going on much longer than most persons realize. It, and most certainly the impulse to suburbanize, are probably as old as the city itself, if we can judge from a letter, written in cuneiform on a clay tablet, addressed to King Cyrus of Persia in 539 B.C. by an early suburbanite who extolled that life style: "Our property seems to me the most beautiful in the world. It is so close to Babylon that we enjoy all the advantages of the city, and yet when we come home we are away from all the noise and dust."

Although many of the basic motives that triggered suburbanization in ancient Babylon have changed little through the centuries, the form and content of suburbs has undergone vast changes; never more so than in the United States within the past three decades. Because of magnitude alone, contemporary suburban settlement would have to be assessed as a phenomenon that is uniquely different from its predecessors; a classic example of the philosophic concept of quantitative change resulting in qualitative change.

The suburban population of the United States in 1970 exceeded for the first time that of the central cities and that of the nonmetropolitan areas. The suburbs contained 74.9 million inhabitants; the central cities, 62.2 million; the nonmetropolitan areas, 63.2 million.

This phenomenon cannot be understood if we limit our investigations to observations made in our lifetime; not even if our age permits us to make them before World War II. As noted by "The President's Task Force on Suburban Problems" in 1968, "To be meaningful, any examination of the suburbs as they are today—and as they will be in the future—must consider the nation's growth trends that began before the turn of the century."

As a matter of record, this phenomenon was already being studied by scholars long before this century began. Thus, Charles Booth, whose classic works on cities were written in the late 19th century, described the decentralizing trend of industry at that time to the outskirts of London, where more land was available at lower prices. His studies of the influence upon metropolitan form of social and

economic classes, and of transportation and housing, which he considered keys to understanding the urban growth process, led him to predict a trend toward local suburban centers.

Filtering such scholarly observations upon urban form through his vividly imaginative mind, the genius that was H.G. Wells' predicted in 1902 that the very terms "town" and "city" will become as obsolete as "mail coach" because spreading urbanization will submerge them as distinct identities. Casting about for a proper designation of the predicted urban form of the future, Wells wrote that, "We may for our present purposes call these coming town provinces 'urban regions.'"

Wells' "urban regions" had been in existence in the United States for several decades at the time he wrote the above lines. But what has come to be regarded as suburbanization has deep and often unrecognized roots in population movements within cities. Movement of the more affluent from concentrations of the poor has long characterized urban life. Jean Gottman, for example, reminds us that it occurred in the larger cities of Europe during the Industrial Revolution.

In the United States a similar process has long been typical, and social standing in American cities has increasingly been evidenced not only by the type of housing but the type of neighborhood. Today the latter is the more important. The flight from deterioration—real or anticipated—has, in large part, been a movement away from poor immigrants, or more recently, from blacks, Puerto Ricans, or Chicanos.

Actually, however, the migration of Negroes to cities was quite small as compared to the earlier volume of European immigrants. At its peak the latter migration was at least 8 million in a decade and most settled in the cities; Negro migration at its height was about a million and a half in a decade. "So in terms of inflitrating cities with large numbers of low-income people with a different culture, the Negro migration has not been unusual."

Ours has long been one of the most mobile populations in the world. Involved was not only movement across regional and State lines and from rural to urban areas, but also within urban areas. Thus, the movement from the center of the city to the periphery and beyond is nothing new. Census data for many years concealed this fact, largely because the city boundaries were distant from the active residential land use.

At the same time, many American cities in the past annexed territory or otherwise extended their boundaries. As a result, large-scale building, industrial, and commercial activity could and did take place within the city's limits. A generation or longer ago, suburbs were frequently within the boundaries of cities. They were at its fringes which, at that time, contained much undeveloped land and large sections where streets had not been cut through.

Several new factors have been introduced more recently. The first was a revolution in transportation. The horsecar extended the geographic limits of urban development. Railroads, with their land resources and commuter trains—as well as their intensive sales efforts soon expanded by the activities of the real estate industry—successfully played up class exclusiveness as an attribute of suburbia. Electric rapid mass transportation, successively in the form of streetcars, elevated lines, and subways, facilitated much greater dispersal of the urban population within the city and beyond its corporate limits into suburbs.

In the process, economic groups which had previously not been able to afford the transportation costs were able increasingly to participate. It was, of course, the automobile which made large-scale and far-flung surburban living possible for millions of Americans. Its advent consummated the final escape from the space limitations of the endowments of the horse which had characterized the 19th century city.

The year 1900 marked the apex of preponderance of population for a number of central cities in relation to their suburbs. In that year Boston's population was already only 43 percent of its Standard Metropolitan Area as it would be defined in 1950. They didn't have any definition at that date. By 1970 it had shrunken to a mere 23 percent. (Unlike most cities, Boston's boundaries have not been expanded by annexation in over a century.) Cincinnati in 1900 contained 63 percent of the population of its 1950 Standard Metropolitan Area, shrinking to 33 percent in 1970. St. Louis' 71 percent in 1900 had become 26 percent in 1970. Buffalo's 69 percent had become 39 percent. Cleveland's 85 percent had become 36 percent.

The year 1900 seems also to mark the beginning of a widespread awareness of the suburban phenomenon. It was in the decade of 1900–1910 that the Bureau of Census first took statistical notice. Beginning in 1910 the Bureau made population data available for what it termed "metropolitan districts," forerunners of today's Standard Metropolitan Statistical Areas, the now familiar SMSAs.

In preparation for the 1950 census, it was decided that defining of metropolitan areas and identification of classes of data to be collected should be the responsibility of a broad-based, interdepartmental committee of the Federal Government. This marked the recognition of the importance of metropolitan areas for recordkeeping, analysis, and projection for a wide range of subject matter.

SMSAs have since become a critically essential classification for all departments of the Federal Government that touch upon urban affairs, as well as for governments at State and local levels. They are equally essential for private enterprise and scholarly research. It would be dif-

ficult to imagine either the public or private sectors being able to know what is happening in urban America and to plan their operations in relation to it without the availability of data that treat cities and suburbs as parts of a metropolitan whole.

Nor was it long before students of urban trends tried to classify the new suburban phenomenon, to define it, to describe it and to formulate theories to explain its appearance and continuing evolution. One of the first was Graham Taylor, who wrote *Satellite Cities* in 1915. Ten years later (1925) Harlan Douglas published a more ambitious effort to comprehend the new urban scene with his *The Suburban Trend*. What Leo J. Schnore identifies as the seminal work on "metropolitanism" was published in 1922 by N.S.B. Gras, an historical analysis of the evolution of the city's economy into the "metropolitan economy." In 1933, R.D. McKenzie published the first effort at comprehensive statistical treatment of metropolitan development, in the course of which he documented "the rise of the metropolitan community."

The decade of the 1920s had seen the first attempt to plan for an entire urban region in the 6-year effort that produced the "Plan for New York and Its Environs," leading to the formation of the Regional Plan Association. Basic to the preparation of this plan were the regional economic studies of Robert Murray Haig, professor of business administration at Columbia University.

Dr. Haig's work proved to be the basic work in documenting and analyzing the process by which the economic base of an entire metropolitan area emerges and develops. His painstaking analysis of the relocation of the various industries from Manhattan to nearby locations in Brooklyn and Jersey City, and subsequent removal to more distant parts of the country, laid the factual basis for an understanding that not only population, but also employment, is caught up in a process of movement out from the center toward the periphery of metropolitan areas.

Suburbanization slowed down during the Great Depression when both economic expansion and residential construction came to virtual standstills, then recovered slowly in the late 1930s, and was finally stirred into feverish activity as the decade closed with rearmament and the outbreak of war in Europe. War production in the 1940s brought a reversal in the outward trend of population and employment as the expansion of industrial capacity took place mainly in established centers which contained basic plants and housing and an available labor force.

This was to prove to be the central cities' last economic advance as compared with the suburbs. As one study noted, "The evidence of a

further concentration of manufacturing employment in the large cities during World War II now appears as a temporary interruption of a long-term trend of a declining share that was begun as far back at least as the beginning of this century."

Even before World War II came to an end, increasing numbers of leaders in government and the private sector began to project concerns for the postwar shape of things, especially with reference to where the jobs that were to meet the goal of full employment were to be located and where the houses were to be built to give American families adequate shelter.

As early as 1942 one voice, speaking for town planners and architects, called attention to the bleak prospects of America's maturing cities. J.L. Sert, in a book prophetically titled *Can Our Cities Survive?* warned that "Up to recent times city planners have disregarded the fact that, when a certain degree of maturity is reached in the cities of today, they universally exhibit the same alarming symptoms. These endanger their very existence." The failure to make the city livable, Sert declared 33 years ago, causes people "to abandon their overcrowded neighborhoods for 'a quiet home' in remote suburbs, undeterred by hours of uncomfortable travel back and forth. Industry, too, moves out—to cheaper land, to regions of lower taxes, to convenience sites on rail sidings or side roads. *The city is breaking up.* Such dispersion of great cities knows neither control nor planning. It is provoked by urban chaos itself, and is facilitated by modern means of transportation."

Unlike the central city, the basic function and form of which have changed only in degree, the suburban settlements that emerged since World War II have little in common with the ecological type called "surburb" previous to that time. The contemporary suburb is different from its earlier namesake in both function and form. Without the functional role it has assumed, today's suburb could not have attained its vast scale.

Essentially the difference between the prewar and postwar types of suburban development is that the former existed in a symbiotic relationship to the city as one of its more remote residential neighborhoods, while the latter increasingly duplicates the functions of the central city and, consequently, competes with it as a destructive rival.

The persistent, even if at times interrupted, growth of population and, more vitally, employment in the suburban rings around central cities accumulated over time what George Sternlieb identifies as the "critical mass" that ignited to propel the suburbs ahead of their central cities in many of the very functions that historically were the *raison d'etre* for the cities' existence.

At the core of the suburb's critical mass is employment. From the slow growth of employment in the suburban rings from 1900 to 1950, it took a forward leap in the decades since. Whereas previous to World War II, suburban employment gains tended to keep pace with those of their central cities, since 1950 they have tended to outstrip them. In many of the large metropolitan areas the central city recorded an absolute loss in number of jobs, while their suburban rings gained spectacularly.

Commenting on the changing economic function of the central city, Raymond Vernon, director of the multimillion dollar New York Metropolitan Study in the late 1950s, concluded that "the outward movement of people will be matched by an outward movement of jobs."

The changed role of the suburbs, therefore, casts them in the role of a new type of human settlement, an "outer city" wrapped around the old central city, living in uneasy proximity to it, linked through surviving govermental, utility, communications, and banking networks but relatively independent socially, culturally, and, increasingly so, economically.

Knowing why the millions of American households that opted to live in the suburbs since World War II made that choice can tell us much about the future of our cities.

Is suburbia populated by millions of refugees who reluctantly fled disintegrating cities? Or is it populated by millions of pilgrims lured to the promised land?

Putting it another way: Were they "pushed" or "pulled?" Repelled or attracted?

Logically considered, neither of these motivations can stand by itself. Choice is always relative. Something is always better or worse—more suitable or less suitable. A poor suburban situation will obviously not be preferred over a good city one.

It is necessary, then, to conceive of locational choices as reflecting some measures of both "push" and "pull." Though the proportions of each vary across the wide range of individual situations, the overwhelming evidence establishes beyond a reasonable doubt that the suburbs' "pull" was the predominant motive that brought millions of households there in the past three decades and continues to shape such locational decisions today. An image of millions of city-loving Americans being driven to joyless exile in the suburbs by invading hordes of undesirables conflicts with both documented evidence and urban history.

Since the suburban option can only be exercised by those white homeseekers who can meet the required economic criteria and by

those minority homeseekers who, additionally, can overcome racially discriminatory barriers, it is pertinent to inquire how many city residents live there because they prefer it and how many remain there because they are held captive by economic and/or racial circumstances. Surveys that seek to answer this question indicate that a high proportion of both whites and nonwhites consider themselves captives seeking release.

There are many reasons why people move today. However, the prevailing opinion of investigators is that most moves are probably job related. Americans place a high value on increased earnings, or the potential for career advancement, vis-a-vis residential continuity. A major Chicago real estate firm reports that an analysis of house sales in 1973 reveals that "rising affluence, changing neighborhoods, new family formations, and the fulfillment of ivy-covered dreams don't even come close to job transfers in the used home sales derby."

Even if Americans move frequently and pursue employment opportunities, why do they choose the suburbs?

If for the former farm boy who made good, a single family house was a substitute for "My Old Sweet Home" (the original inspiration for which was in a rural hamlet in far eastern Long Island), its location in a suburb was even more evocative of his native village. Suburbia became a nostalgic throwback to an earlier American experience savored by those who rejected urban life styles and urban values.

Charles Abrams put the matter well: "The suburb in an expanding world met the struggle for space, privacy and the nostalgia for country life. Land was cheaper here, too; a family would get a house on two lots with trees, a garden, and play space for children. Here was the place to find a home and the bundle of rights, dreams, satisfactions, and illusions that come wrapped with the deed." It is no longer necessary to choose a suburban location with an eye toward convenience and cost of commuting to the central city. The post-World War II suburb now usually offers more job opportunities than does its central city. Employment distribution in 1950 for the Pittsburgh SMSA showed 63.7 percent of all jobs in the suburbs. For other large SMSAs the percentages of jobs in the suburbs were as follows: Boston, 62.2 percent; Detroit, 61.4 percent; St. Louis, 58 percent; Washington, D.C., 54.9 percent; Los Angeles, 54.3 percent; Philadelphia, 51.8 percent; San Francisco-Oakland, 50 percent; Baltimore, 49.9 percent; Chicago, 47 percent; Cleveland, 46 percent; and Minneapolis-St. Paul, 41 percent.

In summary, then, in answering the query as to why millions of Americans opted for the suburbs and continue to do so when within their means we can conclude that is explained by: (a) the high mobili-

ty of American households; (b) the subordination of residential continuity to increased earnings and career advancement; (c) the anticity bias in the American value system; nostalgic identification of suburbs with our rural past; (e) the growing proportion of all metropolitan job opportunities, especially newly created ones, are in the suburbs; (f) suburbs are perceived as especially beneficient to child rearing; and (g) it has been Federal policy to favor suburban development by subsidizing homeownership and facilitating road access.

These, then, are the suburban "pulls." What are the city "pushes?" There are many factors affecting residence in cities that constitute a "push" influence: declining job opportunities, reduced city services, lowered quality of public schools, increased crime, rising local taxes, etc. These factors affect all city dwellers, without regard to race.

However, many white city dwellers are affected by an additional factor that can act to "push" them to the suburbs: the presence in cities of increasing numbers of nonwhites, especially under circumstances in which nonwhites choose to live in housing outside of traditional racial concentrations and/or where school enrollments are racially balanced without regard to pupils' residence.

Because in recent decades the exodus from the central city to the suburbs peaked at the same time that a large number of the newcomers to the large metropolitan areas were readily identifiable minorities, there has been much distortion of what has been involved. Some have confused coincidence with causation. To them desertion of the central central cities by middle- and upper-class and income whites is purely and simply a means of escape from blacks, Puerto Ricans, and Mexican Americans.

As noted above, suburbanization through migration has been almost a universal phenomenon in the United States. Today it is characteristic of Canada as well. In this country, many metropolitan areas with extremely small nonwhite populations are involved. Binghamton, New York; Brockton, Massachusetts; Cedar Rapids, Iowa; Duluth, Minnesota; and Superior, Wisconsin, are just a few examples.

Thus color alone cannot account for the great migration to the Nation's suburbs. As a matter of fact, race became an identified factor only after technology and rising incomes had made suburban living possible for the great mass of Americans.

Had there been no migration of nonwhites to urban communities, large-scale expansion of suburbia would have occurred. "Without the problem of race Canada's urban history has developed along lines much like the United States. The homogenization downward of the central cities with the departure of the affluent followed by the middle class and elements of the working class is similar."

In this nation, obsession with race has not only distorted popular understanding of the process of suburbanization, but also obfuscated the true nature of the crisis of our cities. As Sternlieb recently observed:

> This process of the "defunctioning" of the central city would have occurred even if there had not been a problem of race. It would have been considerably slower in that case, and the capacity of society to adjust to it would have been greater, for the pace of change in our central cities has unquestionably been speeded up by racial tensions and fears. But serious though that cost has been, perhaps the greatest cost of the race factor is that it has obscured the real nature of what is going on in the central city. Even if there were no racial difference in our society, there would probably still be as many people on welfare and as many under- or unemployed, and they would still be unwelcome among their more affluent fellow citizens.

These "more affluent fellow citizens," in the absence of race as an issue, would still have opted for suburban living and would have been busily engaged in erecting zoning barriers and opposing subsidized housing to keep out those of low income, as they do in the suburbs of cities with relatively few minority residents.

Suburbia was not created in order to establish a haven for a racist middle class (although many of its developers appealed to class and color snobishness), but once suburbia was created to meet many needs and desires, our society easily found a way to convert it into such a haven.

At the same time, the myopia induced by accentuating race so that any and all phenomena in which it plays a role attributes any and all racial conflict in the urban complex as a major factor in accelerating the flight of whites from central cities. But such is not the case.

For example, the recent opposition to, and violence in, school busing in Boston has not, to date, noticeably speeded up the movement out of the city. Preliminary census data show that Boston's population is holding steady. Masschusetts' Secretary of State, Paul H. Guzzi, no later than November 29, 1975, said, "There is no evidence of an exodus of people from the city."

The suburbanization of America is a fact—inevitably and irrevocably so. But it need not have been suburbanization in the form or with the content that emerged. In the long run, more likely by succeeding generations rather than ours, even some of the wasteful and depressing physical form of suburbia can be remedied. The social pattern of suburbia, especially its racial exclusion, cannot and will not be altered unless and until we recognize the process and identify the many factors which make up the push and pull in migration.

[The complete paper follows.]

# THE SUBURBANIZATION OF AMERICA

By Robert C. Weaver*

## I. The Historical Pattern and Its Study

Suburbanization has been going on much longer than most persons realize. It, and most certainly the impulse to suburbanize, are probably as old as the city itself, if we can judge from a letter, written in cuneiform on a clay tablet, addressed to King Cyrus of Persia in 539 B.C. by an early suburbanite who extolled that life style: "Our property seems to me the most beautiful in the world. It is so close to Babylon that we enjoy all the advantages of the city, and yet when we come home we are away from all the noise and dust."[1]

Although many of the basic motives that triggered suburbanization in ancient Babylon have changed little through the centuries, the form and content of suburbs has undergone vast changes; never more so than in the United States within the past three decades. Because of magnitude alone, contemporary suburban settlement would have to be assessed as a phenomenon that is uniquely different from its predecessors; a classic example of the philosophic concept of quantitative change resulting in qualitative change. The suburban population of the United States in 1970 exceeded for the first time that of the central cities and that of the nonmetropolitan areas. The suburbs contained 74.9 million inhabitants; the central cities, 62.2 million; the nonmetropolitan areas, 63.2 million.

This phenomenon cannot be understood if we limit our investigations to observations made in our lifetime; not even if our age permits us to make them before World War II. As noted by "The President's Task Force on Suburban Problems" in 1968, "To be meaningful, any examination of the suburbs as they are today—and as they will be in the future—must consider the nation's growth trends that began before the turn of the century."[2]

As a matter of record, this phenomenon was already being studied by scholars long before this century began. Thus, Charles Booth,

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* The writer wishes to express appreciation to Ernest Erber, director of research and program planning of the National Committee Against Discrimination in Housing, who identified most of the data and did much to develop the analysis.

[1] Ivar Lissner, *The Living Past: 7000 Years of Civilization*. (New York: Putnam, 1957), p. 44. Quoted in Ernest Erber, "The Inner City in the Post-Industrial Era," in Declan Kennedy and Margrit I. Kennedy, (eds.) *The Inner City*. (New York: John Wiley and Sons, 1974).

[2] Charles M. Haar, (ed.), *Suburban Problems: The President's Task Force—Final Report*. (Cambridge: Ballinger, 1974), p. 25.

whose classic works on cities were written in the late 19th century, described the decentralizing trend of industry at that time to the outskirts of London, where more land was available at lower prices. His studies of the influence upon metropolitan form of social and economic classes, and of transportation and housing, which he considered keys to understanding the urban growth process, led him to predict a trend toward local suburban centers.[3]

Filtering such scholarly observations upon urban form through his vividly imaginative mind, the genius that was H.G. Wells' predicted in 1902 that the very terms "town" and "city" will become as obsolete as "mail coach," because spreading urbanization will submerge them as distinct identities. Casting about for a proper designation of the predicted urban form of the future, Wells wrote that "We may for our present purposes call these coming town provinces 'urban regions.'"[4]

Wells' "urban regions" had been in existence in the United States for several decades at the time he wrote the above lines. But what has come to be regarded as suburbanization has deep and often unrecognized roots in population movements within cities. Movement of the more affluent from concentrations of the poor has long characterized urban life. Jean Gottman, for example, reminds us that it occurred in the larger cities for Europe during the Industrial Revolution.[5]

In the United States a similar process has long been typical, and social standing in American cities has increasingly been evidenced not only by the type of housing but the type of neighborhood.[6] Today the latter is important. The flight from deterioration—real or anticipated—has, in large part, been a movement away from poor immigrants or, more recently, from blacks, Puerto Ricans, or Chicanos.

Actually, however, the migration of Negroes to cities was quite small as compared to the earlier volume of European immigrants. At its peak the latter migration was at least 8 million in a decade, and most settled in the cities; Negro migration at its height was about a million and a half in a decade. "So in terms of infiltrating cities with large numbers of low-income people with a different culture, the Negro migration has not been unusual."[7]

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[3] Harold W. Pfautz, (ed.) *Charles Booth On the City: Physical Pattern and Social Structure*. (Chicago: University of Chicago Press, 1967).

[4] H. G. Wells, *Anticipations of the Reaction of Mechanical and Scientific Progress Upon Human Life and Thought*. (New York and London: Harper and Brothers, 1902), chapter entitled "The Probable Diffusion of Great Cities."

[5] Jean Gottman, Henry J. Schmandt and Warner Bloomberg, Jr. (eds.), *The Quality of Urban Life* (Urban Affairs Annual Reviews, Vol. 3, 1969), p. 76.

[6] Charles Abrams, *Forbidden Neighbors*. (New York: Harper and Brothers, 1955), p. 139.

[7] Anthony Downs, in Kenneth J. Arrow, James G. March, James S. Coleman, and Anthony Downs, *Urban Processes as Viewed by the Social Sciences* (Washington: The Urban Institute, undated), p. 76.

Ours has long been one of the most mobile populations in the world. Involved was not only movement across regional and State lines and from rural to urban areas, but also within urban areas. Thus, the movement from the center of the city to the periphery and beyond is nothing new. Census data for many years concealed this fact, largely because the city boundaries were distant from the active residential land use. At the same time, many American cities in the past annexed territory or otherwise extended their boundaries.

As a result, large-scale building, industrial, and commercial activity could and did take place within the city's limits.[8] A generation or longer ago, suburbs were frequently within the boundaries of cities. They were at its fringes which, at that time, contained much undeveloped land and large sections where streets had not been cut through.

Several new factors have been introduced more recently. The first was a revolution in transportation. The horsecar extended the geographic limits of urban development. Railroads, with their land resources and commuter trains—as well as their intensive sales efforts soon expanded by the activities of the real estate industry—successfully played up class exclusiveness as an attribute of suburbia.[9]

Commuter trains, as the horsecar which permitted those who could afford it to live beyond the poor, first in the city and then at periphery, extended that option to small villages beyond it. Electric rapid mass transportation, successively in the form of streetcars, elevated lines, and subways, facilitated much greater dispersal of the urban population within the city and beyond its corporate limits into suburbs. In the process, economic groups which had previously not been able to afford the transportation costs were able increasingly to participate.

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The year 1900 marked the apex of preponderance of population for a number of central cities in relation to their suburbs. In that year Boston's population was already only 43 percent of its Standard Metropolitan Area as it would be defined in 1950. By 1970 it had shrunken to a mere 23 percent. (Unlike most cities, Boston's boundaries have not been expanded by annexation in over a century.) Cincinnati in 1900 contained 63 percent of the population of its 1950 Stan-

[8] Marion Clawson, *Suburban Land Conversion in the United States* (Baltimore: Johns Hopkins Press, 1971), p. 34.

[9] Abrams, *op. cit.*, pp. 144–5.

dard Metropolitan Area; shrinking to 33 percent in 1970. St. Louis' 71 percent in 1900 had become 26 percent in 1970. Buffalo's 69 percent had become 39 percent. Cleveland's 85 percent had become 36 percent. The engulfment of Detroit by its suburbs was unusually precipitous, because as late as 1920 Detroit accounted for 77 percent of the population of its metropolitan area and shrank to 36 percent by 1970.[10]

It is noteworthy that New York City in 1850, then consisting of the island of Manhattan, contained only 50 percent of the population of its metropolitan area as it came to be defined in 1950 (a definition which excluded New Jersey). New York City was to achieve 68 percent in 1900 as a result of the consolidation which created the present city, consisting of the five boroughs. (In 1970 New York's population of some 7.9 million represented only 39 percent of its 31-county metropolitan region.)

The explanation of this relentless outward push of urbanization, then increasingly taking place beyond the boundaries of central cities, was given in succinct language by the above-quoted President's Task Force:

> In the decade before the dawn of the 20th Century, the frontier was virtually closed to further expansion. This meant that, by and large, subsequent population increases and movements would have to be contained within existing borders, taking advantage of open spaces within that territory rather than opening up new territories to our burgeoning population.
>
> This development was followed, in the first half of this century, by a major shift of the nation's population and jobs from the land into the cities; from rural areas into urban centers. As a result of this internal movement, immigration, and natural urban increases, the 1960 census showed nearly 70 percent of Americans to be living in urban areas—a significant turnaround from the urban-rural population distribution of half a century earlier.
>
> Recently another shift has taken place—and is destined to continue. By and large, the cities have developed all the land within their boundaries, and the suburbs are now the growth centers of the nation. The suburbs are absorbing at an increasing rate the people spilling outward from the urban cores, the many families migrating inward from rural regions, and natural increases in population. The suburbanization of America—rather than its urbanization—has become the country's dominant growth pattern.[11]

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[10] Leo F. Schnore, "Urban Form: The Case of the Metropolitan Community," in Robert Gutman and David Popenoe, (eds.), *Neighborhood, City and Metropolis*. (New York: Random House, 1970), p. 396.

[11] Haar, *op. cit.*,

The year 1900 seems also to mark the beginning of a widespread awareness of the suburban phenomenon. It was in the decade of 1900–1910 that the Bureau of Census first took statistical notice. Beginning in 1910 the Bureau made population data available for what it termed "metropolitan districts," forerunners of today's Standard Metropolitan Statistical Areas, the now-familiar SMSAs. In preparation for the 1950 census, it was decided that defining of metropolitan areas and identification of classes of data to be collected should be the responsibility of a broad-based, interdepartmental committee of the Federal Government. This marked the recognition of the importance of metropolitan areas for recordkeeping, analysis, and projection for a wide range of subject matter. SMSAs have since become a critically essential classification for all departments of the Federal Government that touch upon urban affairs, as well as for governments at State and local levels. They are equally essential for private enterprise and scholarly research. It would be difficult to imagine either the public or private sectors being able to know what is happening in urban America and to plan their operations in relation to it without the availability of data that treat cities and suburbs as parts of a metropolitan whole.

Nor was it long before students of urban trends tried to classify the new suburban phenomenon, to define it, to describe it, and to formulate theories to explain its appearance and continuing evolution. One of the first was Graham Taylor, who wrote *Satellite Cities* in 1915. Ten years later (1925) Harlan Douglas published a more ambitious effort to comprehend the new urban scene with his *The Suburban Trend.* What Leo J. Schnore identifies as the seminal work on "metropolitanism" was published in 1922 by N.S.B. Gras, an historical analysis of the evolution of the city's economy into the "metropolitan economy." In 1933, R.D. McKenzie published the first effort at comprehensive statistical treatment of metropolitan development, in the course of which he documented "the rise of the metropolitan community."[12]

The decade of the 1920s had seen the first attempt to plan for an entire urban region in the 6-year effort that produced the "Plan for New York and Its Environs," leading to the formation of the Regional Plan Association. Basic to the preparation of this plan were the regional economic studies of Robert Murray Haig, professor of business administration at Columbia University. Dr. Haig's work proved to be the basic work in documenting and analyzing the process by which the economic base of an entire metropolitan area emerges and develops.[13]

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[12] Schnore, *op. cit.*, pp. 394–399.

[13] Robert Murray Haig, *Major Economic Factors in Metropolitan Growth and Arrangement*, (Vol. I of Regional Survey) (New York: Regional Plan of New York and Its Environs, 1927).

His painstaking documentation of the relocation of the various industries from Manhattan to nearby locations in Brooklyn and Jersey City, and subsequent removal to more distant parts of the New York metropolitan area or beyond it to other parts of the country laid the factual basis for an understanding that not only population, but also employment, is caught up in a process of movement out from the center toward the periphery of metropolitan areas.

The suburbanization of jobs and its reciprocal relationship with population movement remains a subject that requires continuing monitoring and refinement of theoretical insight. Our ability to predict in this area can be decisive in forecasting the future of cities and suburbs.

Suburbanization slowed down during the Great Depression when both economic expansion and residential construction came to virtual standstills, then recovered slowly in the late 1930s, and was finally stirred into feverish activity as the decade closed with rearmament and the outbreak of war in Europe. War production in the 1940s brought a reversal in the outward trend of population and employment as the expansion of industrial capacity took place mainly in established centers which contained basic plants and housed an available labor force. This was to prove to be the central cities' last economic advance as compared with the suburbs. As one study noted, "The evidence of a further concentration of manufacturing employment in the large cities during World War II now appears as a temporary interruption of a long-term trend of a declining share that was begun as far back at least as the beginning of this century."[14]

Even before World War II came to an end, increasing numbers of leaders in government and the private sector began to project concerns for the postwar shape of things, especially with reference to where the jobs that were to meet the goal of full employment were to be located, and where the houses were to be built to give American families adequate shelter. As early as 1942 one voice, speaking for town planners and architects, called attention to the bleak prospects of America's maturing cities. J. L. Sert, in a book prophetically titled *Can Our Cities Survive?* warned that, "Up to recent times city planners have disregarded the fact that, when a certain degree of maturity is reached in the cities of today, they universally exhibit the same alarming symptoms. These endanger their very existence." The failure to make the city livable, Sert declared 35 years ago, causes people

> to abandon their overcrowded neighborhoods for "a quiet home" in remote suburbs, undeterred by hours of uncomfortable travel

[14] Daniel Creamer, *Changing Location of Manufacturing Employment*. (New York: The National Industrial Conference Board, 1963), p. 48.

> back and forth. Industry, too, moves out—to cheaper land, to regions of lower taxes, to convenience sites on rail sidings or side roads. *The city is breaking up.* Such dispersion of great cities knows neither control nor planning. It is provoked by urban chaos itself, and is facilitated by modern means of transportation.[15]

Crying out in the frustration and despair of those who see when few others do, Sert challenged his contemporaries. "it has not even occurred to most people to question the condition of our cities. A conscious minority, however, familiar with the gravity of the situation and recognizing its eventualities in the near future, might well ask themselves the question: Can—and should—our cities survive?"

Writing in December 1945, only a few months after V-Day, Charles S. Ascher, then Director of the Urban Development Division of the Federal National Housing Agency, argued the case for the assembly of land in inner cities through clearance and warned against the consequences of supplying all new housing on vacant land at the metropolitan fringe. Citing the need for 12,600,000 new nonfarm homes in the decade ahead, Ascher asked: "Where will these millions of new homes be built?" He then described the deceptive ease of spreading out over the distant landscape:

> There is no dearth of land on the fringes of most cities. Land appears to be available in large tracts, easily assembled, at reasonable prices. There is no cost for tearing down old structures. There are often fewer controls in the outlying townships, no building code, no zoning regulation. These factors attract the builder to the fringe land.
>
> The families who are to live in these new houses are also attracted to the fringe in search of human values for themselves and their children; openness, greenery, play space, community feeling. Low taxes are accepted happily, without too much thought for the inadequacy of services that go with them.
>
> This search is sometimes an illusion. If too few neighbors arrive, services remain inadequate. Streets remain unpaved, there is no good high school within easy reach. If the fringe land becomes more intensely developed, the demand for urban services—police protection, better schools—drives up the cost of government. The empty lots are no longer open for softball games. The commuting grind may become wearing after a while.
>
> Meanwhile, slums and blighted areas in the centers of cities rot.[16]

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[15] J. L. Sert, *Can Our Cities Survive?* (Cambridge: Harvard University Press, 1942).

[16] Charles S. Ascher, *Land Assembly for Urban Redevelopment*, quoted in Ernest Erber (ed.), *Urban Planning in Transition.* (New York: Grossman Publishers, 1970), pp. xiv–xv.

If even heard, these and other voices went unheeded. As the first troopships were reported on the high seas returning millions of citizen soldiers to take up their lives where war had interrupted, most of them concerned with prospects for employment and housing, Congress and the Executive branch feverishly initiated programs to stimulate the economy and get housing built. Those with concern for long-range consequences were trampled underfoot by the stampede to "get things moving"—and by those in a hurry to get to the places from which the revived consumer activity could be most successfully exploited.

Most of the economy needed little from Government to "take off"; actually only that Government dismantle controls and get out of the way. Millions of product-hungry consumers with bulging wartime savings did the rest. Housing, however, required a liberal credit policy and FHA supplied it. The country was off and running in its longest and biggest economic boom. It was to transform the Nation in a number of important respects. One was to carry our large cities perilously close to the doom foretold by Sert. The other was to make tens of millions of upward-mobile families also outward mobile. Mass migrations covered the land as millions went from cities to suburbs, leaving vacuums that sucked in other millions from impoverished rural areas. One result was that the suburbs also were transformed.

## *II. The Changed Role of the Suburb Since World War II*

Unlike the central city, the basic function and form of which have changed only in degree, the suburban settlements that emerged since World War II have little in common with the ecological type called "suburb" previous to that time. The contemporary suburb is different from its earlier namesake in both function and form. Without the functional role it has assumed, today's suburb could not have attained its vast scale. There could hardly have been a social and/or economic need at this magnitude for the classic type of "bedroom" suburb.

Essentially the difference between the prewar and postwar types of suburban development is that the former existed in a symbiotic relationship to the city as one of its more remote residential neighborhoods, while the latter increasingly duplicates the functions of the central city and, consequently, competes with it as a destructive rival.[17]

[17] Because social formations rarely appear as pure representatives of a typological classification, aspects of one type are usually present in another and vice versa. Few prewar suburbs were purely residential; few postwar ones are entirely without some residential relationship to the city's employment base. There are, of course, some classic "bedroom" suburbs surviving today, just as there were some suburbs in the prewar period that tended to duplicate the functions of the central city.

The persistent, even if at times interrupted, growth of population and, more vitally, employment in the suburban rings around central cities, accumulated over time what George Sternlieb identifies as the "critical mass" that ignited to propel the suburbs ahead of their central cities in many of the very functions that historically were the *raison d'etre* for the cities' existence.

After pointing out that in Newark there is not a single first-run theatre left in the entire city of 400,000 and that central city museums and public libraries have their operating hours and acquisitions budgets cut because of declining municipal tax revenues, Sternlieb observes that,

> meanwhile, the suburbs have achieved critical mass, a scale of population and buying power which permits them to sustain amenities of a type and at a level which once only the central city was capable of sustaining. The shopping center which had at best a single department store branch now has three and soon will have four. The suburban music calendar is evolving from a marginal summer collection of odds and ends to a year-round independent activity. Small suburban hospitals have grown to thousand-bed monsters which can supply all the services and specialists available in the biggest central city hospitals.[18]

But at the core of the suburbs' critical mass is employment. From the slow growth of employment in the suburban rings from 1900 to 1950, it took a forward leap in the decades since. Whereas previous to World War II, suburban employment gains tended to keep pace with that of their central cities; since 1950 they have tended to outstrip them. In many of the large metropolitan areas the central city recorded an absolute loss in number of jobs, while their suburban rings gained spectacularly.

Among the Nation's 10 largest SMSAs, between 1960 and 1970, New York City lost 9.7 percent of its jobs, while its suburbs gained 24.9 percent. Los Angeles lost 10.8 percent, while its suburbs gained 16.2 percent. Chicago lost 13.9 percent, while its suburbs gained 64.4 percent. Philadelphia lost 11.3 percent, while its suburbs gained 61.5 percent. Though San Francisco and Oakland made a minute gain of 0.4 percent, their suburbs gained 22.7 percent. Washington, D.C., gained 1.9 percent, but its suburbs gained a spectacular 117.9 percent. Boston lost 8.6 percent, while its suburbs gained 20.2 percent. Only in Pittsburgh did the central city hold its own with a 4.4 percent in-

[18] George Sternlieb, "The City as Sandbox," in James W. Hughes, (ed.), *Suburban Dynamics and the Future of the City* (New Brunswick: Center for Urban Policy Research, 1974), p. 225.

crease, compared to only a 2.5 percent increase in its suburbs. St. Louis lost 15.2 percent, while its suburbs gained 80.4 precent.[19]

Commenting on the changing economic function of the central city, Raymond Vernon, Harvard economist and director of the multi-million-dollar New York Metropolitan Study in the late 1950s, concluded that,

> the outward movement of people will be matched by an outward movement of jobs. Retail trade will follow the populations. Manufacturing and wholesaling establishments will continue to respond to obsolescence by looking for new quarters and by renting in structures in the suburban industrial areas where obsolescence is less advanced. The movement of jobs will reinforce the movement of residences.[20]

Metropolitan developments during the 16 years since Vernon made these predictions have given us no reason to find fault with them. His optimism regarding continuing high levels of office employment in central cities, however, seems to have been exaggerated as significant numbers of both corporate headquarters and smaller business offices continue to drift away to suburban locations.

The changed role of the suburbs, therefore, casts them in the role of a new type of human settlement, an "outer city" wrapped around the old central city, living in uneasy proximity to it, linked through surviving governmental, utility, communications, and banking networks, but relatively independent socially, culturally, and, increasingly so, economically.

The populations of these new outer cities are relatively more homogeneous ethnically and in social class than the populations of central cities. The suburban population is characteristically younger, whiter, more affluent, better educated and more prestigiously employed than the majority of central city residents. Though controversy is generated inevitably by the issues at stake in suburban political and community affairs, the suburban population achieves a consensus in feeling that they have "arrived" socially and economically by achieving suburban residence.

This status image of suburban life is accepted by most of the inhabitants of central cities also. Such acceptance is critically essential to the continuing dynamism of the suburbanization process by supplying endless candidates for suburban status who seek but to realize it when the practical means are at hand.

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[19] From table in *The New York Times* based on U.S. Census Bureau data, October 15, 1972, pp. 1, 58. Reproduced in Hughes, *op. cit.*

[20] Raymond Vernon, *The Changing Economic Function of the Central City*. (New York: Committee for Economic Development, 1959), p. 61.

## III. Motivations of Housing Consumers in Opting for the Suburbs

Knowing why the millions of American households that opted to live in the suburbs since World War II made that choice can tell us much about the future of our cities; more precisely, the extent to which the impulse to suburbanize is likely to influence locational choices of present city residents can tell us what population changes to expect.

Is suburbia populated by millions of refugees who reluctantly fled disintegrating cities? Or is it populated by millions of pilgrims lured to the promised land? Putting it another way: Were they "pushed" or "pulled?" Repelled or attracted?

Logically considered, neither of these motivations can stand by itself. Choice is always relative. Something is always better or worse—more suitable or less suitable. A poor suburban situation will obviously not be preferred over a good city one.

It is necessary, then, to conceive of locational choices as reflecting some measures of both "push" and "pull." Though the proportions of each vary across the wide range of individual situations, the overwhelming evidence establishes beyond a reasonable doubt that the suburbs' "pull" was the predominant motive that brought millions of households there in the past three decades and continues to shape such locational decisions today. An image of millions of city-loving Americans being driven to joyless exile in the suburbs by invading hordes of undesirables conflicts with both documented evidence and urban history.

Since the suburban option can only be exercised by those white homeseekers who can meet the required economic criteria, and by those minority homeseekers who, additionally, can overcome racially discriminatory barriers, it is pertinent to inquire how many city residents live there because they prefer it and how many live there because they are held captive by economic and/or racial circumstances. Surveys that seek to answer this question indicate that a high proportion of both whites and nonwhites consider themselves captives seeking release.

The ease with which Americans exercised their option to suburbanize was facilitated by their uniquely high mobility. As one of Henry James' characters put it as long ago as the 1880s, "***At the end of three or four years we'll move. That's the way to live in New York—to move every three or four years. Then you always get the last thing***. So you see we'll always have a new house; you get all the latest improvements***."[21]

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[21] Henry James, *Washington Square*. Quoted in Vernon, *op. cit.*

A study of housing consumer behavior sponsored by ACTION, the National Council to Improve Our Neighborhoods, in the late 1950s, one of the most intensive and extensive investigations of the subject, reported, among other factors, on housing mobility:

> The willingness of the American family to change location with changing circumstances is without parallel. About 20 percent of all persons move during any given year. For example, between March 1958 and March 1959, the Bureau of the Census reports that 32.8 million persons—almost one out of every five—moved from one dwelling to another. Two-thirds of the movers stayed in the same county, however. A large proportion of those who moved were young adults. Of the group between the ages of 20 and 24, two out of five changed their residence between 1958 and 1959.
>
> If past behavior is an accurate gauge of future trends, it is reasonable to suppose that within one year 20 to 25 percent of all families will have moved at least once; that within two years, 30 to 33 percent will have moved; that within five years, 50 to 57 percent will have moved; that within ten years about 75 percent will have moved; and that within twenty years, no more than 10 percent will be living in dwellings they occupy today.
>
> Apparently not more than half of the people who move do so because of dissatisfaction with house or neighborhood. The relationship between mobility and dissatisfaction with a dwelling may stand unbalanced, however. A shortage of dwelling units can depress the mobility rate even when dissatisfaction is high. Also, less than half of the persons who say they are dissatisfied with their housing actually translate their desire to move into action.[22]

There are many reasons why people move today. However, the prevailing opinion of investigators is that most moves are probably job related. Americans place a high value on increased earnings, or the potential for career advancement, vis-a-vis residential continuity. A major Chicago real estate firm reports that an analysis of house sales in 1973 reveals that "rising affluence, changing neighborhoods, new family formations, and the fulfillment of ivy-covered dreams don't even come close to job transfers in the used home sales derby."[23] A study of intracity migration found the same emphasis on jobs. "When interviewers ask American migrants why they have moved, the migrants give answers relating to jobs far more than any other answers: the lar-

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[22] Martin Meyerson, Barbara Terrett and William L. C. Wheaton, *Housing, People and Cities*. (New York: McGraw-Hill, 1962), p. 89.

[23] *Courier*, Chicago, April 6, 1974.

gest number usually report a specific job brought them to the city, but another sizable number say they came looking for work."[24]

Even if Americans move frequently and pursue employment opportunities, why do they choose the suburbs?

Americans have never demonstrated any special love for the city. On the contrary, an anticity bias seems to run through our national mores. Jefferson's outspoken views, widely quoted, were not idiosyncratic.[25] National response to the financial plight of New York City, beginning with the President, has overtones of both antipathy to, and envy of, the big city that typifies values with which a majority of Americans identify. It has long been fashionable among Americans to consider big cities as places to visit but not to live in. Except for about a score of the largest, many American cities tend to resemble large towns, with single, detached houses the predominant type.

For many generations immigrants to large cities were either European immigrants or American boys from the farm. The latter usually "made good" and bought a single family house in what was known as a "residential neighborhood" or escaped to a suburb. The immigrants usually raised a family in the inner city and lived to see their offspring follow the American ex-farm boys, after an interval of two or three decades, to a "residential neighborhood" or, perhaps, even to the suburbs. The inner city was for the poor relatives, those not sufficiently capable or lucky to "make it" upward and outward.

If for the former farm boy who made good a single family house was a substitute for "My Old Sweet Home" (the original inspiration for which was in a rural hamlet in far eastern Long Island), its location in a suburb was even more evocative of his native village. Suburbia became a nostalgic throwback to an earlier American experience savored by those who rejected urban life styles and urban values.

Charles Abrams put the matter well:

> The suburb in an expanding world met the struggle for space, privacy and the nostalgia for country life. Land was cheaper here, too; family would get a house on two lots with trees, a garden, and play space for children. Here was the place to find a home and the bundle of rights, dreams, satisfactions and illusions that come wrapped with the deed.[26]

Robert C. Wood, in his pioneering study of the political rationale for suburban government, argued that:

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[24] Charles Tilly, "Race and Migration to the American City," in James L. Wilson, (ed.), *The Metropolitan Enigma*. (Cambridge: Harvard University Press, 1968), p. 141.

[25] Morton and Lucia White, "The Intellectual Versus the American City," in Jeffrey K. Hadden, Louis H. Masotti, and Calvin J. Larson, (eds.), *Metropolis in Crisis*. (Itasca, Illinois: Peacock, 1967).

[26] Abrams, *op. cit.*, p. 141.

> Suburbia, defined as an ideology, a faith in communities of limited size and a belief in the conditions of intimacy, is quite real. The dominance of old values explains more about the people and the politics of the suburbs than any other interpretation***. The conviction that provincial life is best has been with us for a long time and it has endured in the face of greater attacks than the ones contemporary America presents. We show our instinctive commitment to the ideology by the fact that we rarely examine its assumptions critically. We show our conscious allegiance by the oratorical homage we pay to the ideal of small neighborhoods, single homes, and political jurisdictions of limited size.[37]

This ideology has been woven into our national value system: Virtue is associated with homeownership and small town residence; vice (or, at least, lesser moral stature) is associated with tenancy and big city residence. The suburb is viewed as the best accommodation possible for residence within the orbit of economic opportunity concentrated in our metropolitan centers.

America's predilection towards homeownership, although generally recognized and equally approved—often unrealistically—has pertinence in the analysis of the rise and expansion of suburbia. It should, however, be recognized that homeownership is a middle-class concept which assumes middle-class values and opportunities for those who participate. As we have found, to our dismay, attempts to extend it across the board to those who do not have middle-class opportunities or relative security and reasonable levels of income can be, and has often been, tragic.

One of the most significant potential benefits of owning a home is appreciation in property value. And this is most likely to occur in the suburbs where the activity of one's neighbors, the recent investment of public funds for infrastructure and public services, as well as the process of urbanization *per se* create higher values. Thus the cult of ownership of individual homes serves to accelerate suburbanization.

Nor is it necessary any longer to choose a suburban location with an eye toward convenience and cost of commuting to the central city. The post-World War II suburb now usually offers more job opportunities than does its central city. Employment distribution in 1970 for the Pittsburgh SMSA showed 63.7 percent of all jobs in the suburbs. For other large SMSAs the percentage of jobs in the suburbs were as follows: Boston, 62.2 percent; Detroit, 61.4 percent; St. Louis, 58 percent; Washington, D.C., 54.9 percent, Los Angeles, 54.3 percent, Philadelhipa, 51.8 percent, San Francisco-Oakland, 50 percent; Bal-

[37] Robert C. Wood, "Suburbia as an Ideological Retreat," Hadden et al., *op. cit.*, p. 155.

timore, 49.9 percent; Chicago, 47 percent, Cleveland, 46 percent; and Minneapolis-St. Paul, 41 percent.

Students of housing-consumer preferences provide convincing evidence of additional reasons why Americans perceive of suburban residence as the preferred environment. In a landmark study of consumer preferences in the late 1950s by ACTION, they found that all existing documentation confirmed a strong choice for suburban living, both by those who had realized it and those who still lived in the city. A *Fortune* survey in 1946 found that, among residents within large cities (over 100,000), only 36 percent really preferred their large-city location. An equal number said they would prefer to live in a small town close to the city. Conversely, only 5 to 15 percent of those already living in the suburbs expressed a desire to move back into the city.

ACTION's researchers found that other surveys examined confirmed *Fortune's* results. This caused the researchers to sum up their findings with the conclusion that:

> The suburban dream prevails among most consumers in whatever location and whatever section of the country. The suburban urge is strongest among young families with children living in large cities; achieved suburban living is most satisfactory to families in the age group between thirty and fifty years, and the suburban neighborhood, although still attractive, is least appealing to household members over fifty.[28]

Strong consumer preferences and strong voter preferences do, on the whole and in the long run, tend to coincide. If suburbs were popular with such a decided majority, politicians could assure themselves popularity by catering to prosuburban feelings and use the power and resources of government to expedite the realization of the consumers' suburban dream. Insuring of mortgages by the Federal Government, a device developed by the New Deal in an effort to halt foreclosures and stimulate employment for construction workers, became the magic wand that made suburban homeownership possible for millions of Americans. FHA and VA mortgages triggered an enormous homebuilding boom in the 1950s. The preponderance of these starts were in suburban locations.

"Unquestionably the most significant factor in housing finance in the last twenty-five years has been the emergence of the Federal Government as a major force in the housing industry," reported the ACTION team headed by Martin Meyerson in 1960.

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[28] Meyerson et al., *op. cit.*, pp. 237-238.

> Federal aids to housing now affect 35 to 50 percent of all new residential building***. In addition to these more directly measurable aids, a very large proportion of the remaining new residential construction is financed through savings institutions whose deposits are insured by the Federal Government. Thus, the direct and indirect impact of federal aids on housing accounts for a majority of all new houses built and may affect three-quarters of the total income in some years.[29]

The suburbs received additional Federal assistance in the form of massive highway-building programs that made suburban housing accessible to a vastly increased job market as well as suburban shopping centers to an enlarged trade area and suburban industrial parks to an enlarged labor market. By the 1960s suburbs could no longer be referred to as the "boondocks." Many city dwellers found it less time-consuming to drive out to suburban centers to work or to shop than to use the city's archaic streets to get to its central business district.

Federal tax policy also favored the suburbs by giving an incentive to homeownership through deductions for payment on mortgage interest and property taxes, with no comparable benefits to tenants. Marion Clawson, in his monumental study of suburban land development, summed up this incentive:

> A homeowner receives a substantial part of his income from his own home, in the form of housing, but this income does not have to be included in his income tax return. Slitor has calculated that these three aids (imputed rent, interest and taxes) to homeownership in 1958 amounted to $3.2 billion, or about $100 per owner-occupied dwelling. These financial advantages to homeownership tend to become more important, even on a relative basis, as personal incomes rise, in part because of the higher tax rates on larger incomes. On the basis of rather typical income and housing conditions, the federal income tax under current tax rates is reduced by from 14 to 31 percent of the interest and tax payments on the home. This is obviously a substantial incentive to home purchase.[30]

In summary, then, in answering the query as to why millions of Americans opted for the suburbs and continue to do so when within their means, we can conclude that is explained by: (a) the high mobility of American households; (b) the subordination of residential continuity to increased earnings and career advancement; (c) the anticity bias in the American value system; (d) nostalgic identification of suburbs with our rural past; (e) the growing proportion of all metropolitan

[29] Clawson, *op. cit.*, p. 42.
[30] *Ibid.*, p. 236.

job opportunities, especially newly created ones, are in the suburbs; (f) suburbs are perceived as especially beneficient to child rearing; and (g) it has been Federal policy to favor suburban development by subsidizing homeownership and facilitating road access.

These then are the suburban "pulls." What are the city "pushes?" There are many factors affecting residence in cities that constitute a "push" influence: declining job opportunities, reduced city services, lowered quality of public schools, increased crime, rising local taxes, etc. These factors affect all city dwellers, without regard to race.

However, many city dwellers of white race are affected by an additional factor that can act to "push" them to the suburbs: the presence in cities of increasing numbers of nonwhites, especially under circumstances in which nonwhites choose to live in housing outside of traditional racial concentrations and/or where school enrollments are racially balanced without regard to pupils' residence.

In the light of a suburbanization process that began before the turn of the century, how much weight are we to accord to the factor of race in assessing the outward migration of millions of Americans from city to suburb? It is certainly worth exploring.

## *IV. The Impact of Race Upon Suburbanization*

In the wake of the prosperity of World War II and subsequent economic growth and rising incomes, not only were the affluent able to enter the suburbs, but skilled and semiskilled workers, clerks, small merchants, and young professionals could do so too. Some came from the cities; others moved from rural America directly into suburbia. Their concept of what was typically American was seized upon by home builders, financial institutions—and most assuredly by FHA—all intent to develop and support homogeneous neighborhoods. Such a population, according to all the actors, was an absolute requirement for the protection of real estate investment. When most Americans were released from age-old constraints of poverty and space, the suburbs became the growth centers of the Nation.

Because in recent decades the exodus from the central city to the suburbs peaked at the same time that a large number of the newcomers to the large metropolitan areas were readily identifiable minorities, there has been much distortion of what has been involved. Some have confused coincidence with causation. To them desertion of the central cities by middle- and upper-class and income whites is purely and simply a means of escape from blacks, Puerto Ricans, and Chicanos.[31]

[31] Robert C. Weaver, "Non-White Population Movements and Urban Ghettos," *Phylon*, 3rd Quarter, 1959, pp. 235–6.

As noted above, suburbanization through migration has been almost a universal phenomenon in the United States. Today it is characteristic of Canada as well. In this country, many metropolitan areas with extremely small nonwhite populations are involved. Binghamton, New York; Brockton, Massachusetts; Cedar Rapids, Iowa; Duluth, Minnesota; and Superior, Wisconsin, are just a few examples. Thus color alone cannot account for the great migration to the Nation's suburbs. As a matter of fact, race became an identified factor only after technology and rising incomes had made suburban living possible for the great mass of Americans.[32]

Had there been no migration of nonwhites to urban communities, large-scale expansion of suburbia would have occurred. And, of course, nonwhites participate in the process when they can do so. "Without the problem of race Canada's urban history has developed along lines much like the United States. The homogenization downward of the central cities with the departure of the affluent followed by the middle class and elements of the working class is similar."[33]

In this nation, obsession with race has not only distorted popular understanding of the process of suburbanization, but also obfuscated the true nature of the crisis of our cities. As Sternlieb recently observed:

> This process of the "defunctioning" of the central city would have occurred even if there had not been a problem of race. It would have been considerably slower in that case, and the capacity of society to adjust to it would have been greater, for the pace of change in our central cities has unquestionably been speeded up by racial tensions and fears. But serious though that cost has been, perhaps the greatest cost of the race factor is that it has obscured the real nature of what is going on in the central city. Even if there were no racial difference in our society, there would probably still be as many people on welfare and as many under- or unemployed, and they would still be unwelcome among their more affluent fellow citizens.[34]

The "affluent fellow citizens" referred to by Sternlieb, in the absence of race as an issue, would still have opted for suburban living and would have been busily engaged in erecting zoning barriers and opposing subsidized housing to keep out those of low income, as they do in the suburbs of cities with relatively few minority residents.

Sternlieb is probably right to suggest that, in the absence of race, the pace of change might have been slower in many cities and subur-

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[32] *Ibid.*, p. 236.
[33] Norton E. Long, *The Unwalled City*. (New York: Basic Books, Inc., 1972), p. 65.
[34] Sternlieb, *op. cit.*, pp. 225–226.

ban exclusion on the basis of income might have been more moderate. We are dealing, after all, with a racist society where the public power is widely used to assure a racially discriminatory effect; where private actions in violation of minority rights are widespread; and where many whites are prepared to pay a premium to assure themselves separation from blacks.

Because we are a racist society, there is a tendency to attribute all or most of the problems of our cities to the presence of racial minorities. This leads to two equally misleading conclusions. The first, and most dangerous, is to assume that were we racially homogeneous the cities would have none of the crucial problems that they face. The second, in a large measure a reaction to the overemphasis on the racial issue, is the assertion that race is not relevant to the city's problems.

Suburbia was not created in order to establish a haven for a racist middle class (although many of its developers appealed to class and color snobishness); but, once suburbia was created to meet many needs and desires, our society easily found a way to convert it into such a haven. This outcome can, of course, be explained with due regard to our federal system of government, of constitutional interpretations, of State's rights, and of home rule. But it is necessary to conclude that it was no accident that in our society the institutional arrangements that emerged with suburbanization operated, even if blindly, to yield the decaying sections of old cities primarily to minorities and the attractions of suburbia primarily to whites.

At the same time, the myopia induced by accentuating race so that any and all phenomena in which it plays a role are seen exclusively as racial matters not only distorts reality, but occasions acceptance of current racial residential distribution as inevitable and unchanging. It identifies any and all racial conflict in the urban complex as a major factor in accelerating the flight of whites from central cities.[35]

But such is not the case. For example, the recent opposition to, and violence in, school busing in Boston has not, to date, noticeably speeded up the movement out of the city. Preliminary census data show that Boston's population is holding steady. Massachusetts' Secretary of State, Paul H. Guzzi, no later than November 29, 1975, said, "There is no evidence of an exodus of people from the city."[36] Of course, as ACTION noted, this may also reflect the shortage of alternative shelter in today's housing market.

The suburbanization of America is a fact—inevitably and irrevocably so. But it need not have been suburbanization in the form or with the content that emerged. In the long run, more likely by succeeding

[35] Weaver, *op. cit.*, p. 237.

[36] "Boston Population Stable," *The New York Times*, November 30, 1975, p. 42.

generations rather than ours, even some of the wasteful and depressing physical form of suburbia can be remedied. The social pattern of suburbia, especially its racial exclusion, cannot and will not be altered unless and until we recognize the process and identify the many factors which make up the push and pull in migration.

* * *

CHAIRMAN FLEMMING. Dr. Weaver, I deeply appreciate this presentation. You have summarized very effectively an indepth analysis of the issues that you have identified in your paper. I certainly hope that many, many persons will have the opportunity and will take advantage of reading it.

At this time, the members of the Commission would appreciate the opportunity of engaging in some dialogue with you on some of the issues. I will recognize first the Vice Chairman of the Commission, Dr. Stephen Horn.

VICE CHAIRMAN HORN. Thank you, Mr. Chairman.

Mr. Weaver, I am impressed by your statement. I really don't have too many questions because I made the argument you have made in this Commission back in 1971. I must say that the result was rather emotional and heated, as some of my colleagues who were on the Commission at that time had the picture of suburban access along the lines that you point out are filled with a number of fallacies. Suburbanization has occurred in a number of countries in the world and in cities and suburban areas of the United States where there are very few minorities present. I think we have to get out of seeing solely racial causes of suburbanization, although there are racial consequences. We need to look at this larger phenomena.

One of the points that has interested me over the years since we have held our hearings is the degree to which socioeconomic class, be it the black or white middle class, is a factor in this movement toward the suburbs and in some of the problems. I wonder if you have sufficient data to deal with the "class" aspects as opposed to the "racial" aspects, and if you have any suggestion as to the type of data that perhaps ought to be collected to help us get at some of these problems.

DR. WEAVER. I think you have struck on one of the most difficult and complicated aspects of this whole problem. It is almost impossible to separate class and color. They get so intermingled.

But I think if you go back and try to get to the root causes and try to get to the universal phenomenon, that class becomes a much more important thing than color, as a basic aspect. On the other hand, it becomes complicated because to so many Americans dark pigmenta-

tion means lower class. So very often when people are talking about class, they are really thinking about color—when they are talking about color, they are also reacting to class.

Here I think it is extremely difficult to differentiate. My own—and I have done some studies on this, several articles and parts of some books—conclusion is that, if you are looking at it from the point of view of housing, you will find that Americans in this country, by and large, are very much class conscious and very much opposed to "lower class"—whether it is economic or social class—neighbors. When you add color to this, it complicates a phenomenon that is already universal. It goes beyond color groups. You will find certain class aspects, I regret to say, are among minorities, as well as majorities. This, of course, rejects the fact they are Americans.

VICE CHAIRMAN HORN. Along that line, in an additional statement I wrote in a report of this Commission, I quoted Mayor Stokes when he appeared before the Commission and pointed out the great and fearsome resistance, as he said, to low-income housing in the various white areas of Cleveland, but the resistance came from middle-class blacks to lower-class blacks and both to white Appalachians.

COMMISSIONER FREEMAN. I also want to express my appreciation for a very incisive study.

There is one point that seems to me needs to be given further consideration, and that is—and let me give you an example of St. Louis suburbia. St. Louis County has about 195 separate villages, townships. When the Commission held its hearing there, one factor that was very clear was that, even though suburbia had opened up to a small extent to middle-class black persons, the same was not true with respect to low-income black persons.

Now, the white family of $10,000 income could go into suburbia even though that family would be considered low income. The white low-income family does have somewhere to go in suburbia and is not restricted by race. The low-income black person does not find a home available in suburbia. So I think we need to recognize that as to low-income families; even though there are areas where poor people are not wanted, it is less likely that a poor black family can get a home.

And there are governmental implications here, because the Department of Housing and Urban Development is responsible for enforcement of Title VIII. I would like you to comment on the extent to which the lack of departmental enforcement is a factor in the perpetuation of the exclusion of the low-income black family from the suburban community.

DR. WEAVER. I must say these are really basic issues and are very, very complicated.

I was listening as you talked, and I happen to be doing a paper for another occasion and I am opening it by saying that one of the troubles with most of us who are in the field of housing and urban affairs is that we of necessity generalize from our own experience and our own geographic location. You were talking about St. Louis, and I was immediately thinking about New York and its environs, so we are both doing the same thing.

I am not at all sure what the basic phenomena are that undergird what you have said. I think there is no question but that there are many suburbs in many parts of the United States where a middle-class—no matter how you define it—black family can, if it has a little bit of guts and a little bit of stick-to-it-tiveness and determination, get a place to live. Some of them may even be welcome. They won't have a band come out for them, yet there will be no great struggle.

By the same token, the lower-income black family for whom suburban living is much more significant because it may mean the difference between a job and no job at all, whereas the middle-class family that has a job in the central city could probably get one anyway, so that the job implications are not at all as severe for the middle-income as for the lower-income black family—and this would go for the other American groups as well—this family has great difficulty.

In the areas in which I have been working in recent years, this again is like class and race. It is very difficult to distinguish what is going on because you will find that many of these areas will, in order to keep out low-income black families, keep out low-income white families, too. They are against all subsidized housing; they are against all apartment building that would permit the type of homes that would let in lower-income families.

In New Jersey, I can tell you place after place where there is strong opposition to any form of lower-income housing. There is economic discrimination and economic segregation there that is supported by zoning regulations, supported by development requirements of maybe an acre or 2 acres for a dwelling unit, or perhaps X number of square feet, which immediately excludes anybody who earns less than $15,000 or $20,000 a year or even above.

Now, this is across the board. How much of that ends at being class and begins to become color, or how much of it is color is, I think, covered by what I said earlier.

I think it is basically a class thing and is accentuated when color enters into it. I am sure in some parts of the United States it is basically the color thing and the class attitude is also present. But whether we can define the mix exactly, and it is always helpful to be able to define social problems, it is so obvious that I don't think we need to spend

too much time defining it. It is like the story of the guy who asked his friend if he had a thermometer when he was freezing one morning in Chicago. The other said, "Why do you need it?" The first replied, "To find out how cold it is." And the second said, "Well, it is too cold."

I would say that, basically, there has to be a program such as I think we had in the Housing Act of 1968, which provides for an increased supply of low- and moderate-income housing if you are going to do anything to solve this problem. That is number one.

Then there has to be an enforcement of the Civil Rights Act of 1968, which was intended to supplement the Housing Act, which would get the supply. The Civil Rights Act would see that supply was made available without discrimination across the board because there is no need to have a lack of discrimination if you have nothing to discriminate in.

You have to have the supply; and many of the suburbs just don't have any housing of the cost range which would facilitate lower-income households' residence; so you have to build it. That is the reason why housing allowances will not solve the problem. But that is another story.

Well, these two things then, it seems, are tied together: first, the program to provide a larger supply; secondly, a program to see that that supply is fairly distributed. Within that, however, there is a large gap. And that is what can be done by way of inducement, because I don't think you can use fiat to get a community which is reluctant to build housing for low- and moderate-income families, even though there is a program to do it and there are developers willing to do it. You have to have some carrots.

The Housing Act of 1974 is reputed to do this, and with its stipulation for having a housing program as a requirement for community facilities—a housing program which according to the law makes arrangements and accommodations for those that are living and *are expected to live in the community*. But that "expecting to live" has been almost completely ignored to date in the administration of the act; the same way that the affirmative action provisions of Title VIII of the Civil Rights Act of 1968 have been largely ignored. There affirmative action is called for, and you and I know this has been more in the breach than in reality. There has to be good administration and good enforcement of the law. These are required to solve any problem.

The older I get, the more convinced I am about something I wrote in 1948. At that time I observed that most of us, particularly many social scientists, tend to look for *the* cause and *the* solutions of these problems. You may be able to find some of the causes and identify

the major causes, but you do not find *the* solutions. You find a series of potential solutions which, if put in the right combination and carried out with right enthusiasm, will help you deal with the problem.

But few of these problems are ever solved. In fact, it has been my experience when you solve one, another breaks out. It's like putting on your thumb on a little bit of mercury. You push it out, and it bumps up out over there.

COMMISSIONER FREEMAN. There is one other consideration. That is with respect to the installation and relocation of governmental installations. When a Government agency decides to move into a community, this as you know has an economic benefit to that community. The employees of that agency, however, range from the GS–1 up to the GS–16—say, GS–4 would probably be within the definition of low-income. It has been the position of this Commission that this is a responsibility of that agency when it proposes to move into a community, or when communities are vying or competing for that agency to move there, to assure that all employees will have equal opportunity for housing.

I would like you to speak to this because this is an area in which it seems to me Government by its inaction has supported that community in excluding low-income families when this, it seems, would be the carrot that would at least cause a community to change.

DR. WEAVER. I don't think there is any doubt about that. It seems as a matter of public policy it is unconscionable for the Government to spend the taxpayers' money, provide public employment, and then put that money in a place where they know out in front that it is going to be limited to only a certain part of the total eligible employees.

This, it seems to me, is being actively engaged in facilitating discrimination, whether there is anything in the law that prohibits it specifically or not. The general law, it seems to me, would. But I am not a lawyer. I will let the lawyers bring it into what form it should be.

I might say that this whole issue is one that has roots that go back to the middle sixties. I recall when we had an atomic energy installation somewhere in Illinois, about 40 miles west of Chicago, where this whole matter came up. It was the source of a great deal of activity and negotiation. As I recall, the Government went somewhere short of saying housing had to be provided to minorities. But it went somewhat further of not doing anything. Its position was specifically, as I remember, to extract an agreement that housing would be forthcoming. I don't think that housing was forthcoming.

Subsequent to that, there were a series of agreements entered into, as I recall, between the various procurement agencies and GSA

[General Services Administration], in particular, and the agencies that were setting up facilities to the effect that agreements should be developed to assure housing for minorities.

There were several court cases. I remember one which the NCDH had somewhere in New York State in which this whole issue came up. I think it is a matter where, my guess would be, there is enough in the regulations and agreements and law to give a foot to stand on to challenge what happens, and not enough to make it a reality.

COMMISSIONER FREEMAN. I think it is not being enforced.

DR. WEAVER. No, I don't think it is, either.

CHAIRMAN FLEMMING. Commissioner Ruiz.

COMMISSIONER RUIZ. Yes, Dr. Weaver, I am not convinced that it is purely economic, despite the Canadian example. Perhaps we in the United States are more racist than the Canadians. I recall the exclusionary covenants in California where, within the intercity neighborhoods, no blacks wanted, no Mexican Americans wanted. It wasn't economic, no. No Jews wanted.

Have you made a study of the impact of exclusionary covenants as it would affect your report, the white flight predisposition on account of race that to me has been obvious in the community in which I have lived?

DR. WEAVER. I think the whole paper is an attempt to do that. Let me say that I am not in opposition to your notion that racist attitudes have a tremendous amount to do with what goes on in this country. I am simply saying that, as a part of that racist attitude, there is a tendency to attribute to the presence of minority groups, color minority groups, the total responsibility for things which have happened in other parts of this country and at other times in this country and in other countries where race is not a basic issue. So to say it is purely racial is, I think, not supported and, I think, a mistake.

Now, the quote I give from Sternlieb and my analysis indicate that the fact of race accentuates and makes the problem more difficult.

But what I am trying to say is that the notion of identifying race as the basis for suburbanization is fallacious. The concept that the incidence of migration of blacks, Puerto Ricans, or Mexican Americans in our cities is wholly or primarily responsible for people's running away from the cities to the suburbs is not supported by the facts.

COMMISSIONER RUIZ. With respect to those areas where there are only whites, I can observe and understand what you have related. With respect to those areas, however, where there is the black man and racial minorities, what proportion would you attribute in those areas—because in Canada we don't have that trouble—what proportion of the white flight would you attribute as an expert? Could it be

10 percent, 20 percent? Any percent? Or irrelevant? Would you attribute white flight?

DR. WEAVER. Obviously, first, I wouldn't say it was irrelevant. Secondly, if I am an expert and hope to remain an expert, I would not attempt to put any figure on it.

You assume people know what motivates them and wouldn't lie about it after they know what motivates them. Some 25 years ago, we were doing studies of attitudes. There was a very, very nice, but obviously black woman who was a cashier. Brown as a berry. The person who had been waited on by another Negro clerk and gave her the money said, "You know, I just cannot stand to be waited on by Negroes, and I will never go to a store where they have Negro help," and she had just been helped by one.

So it is awfully difficult to measure these matters, and I certainly would not try to say what proportion.

What I am saying is—by inference—logically that, if a given action takes place both where there are minorities and where there are not minorities, and if it goes in the same degree with people of supposedly the same cultural background and set of behavior, then it is illogical and without basis to say that the whole source or the main source of that action in the place where there are minorities is due to the presence of minorities. That is all I am saying. That is all the literature says.

COMMISSIONER RUIZ. That is the reason I was trying to get a percentage. Your forte there is not 100 percent, and I don't think most people would believe you.

DR. WEAVER. It is like a man whose mother-in-law is there and every time she is he gets a stomach ache. What percentage of that is due to his stomach and what percentage is due to his mother-in-law?

COMMISSIONER RUIZ. Is there anything on the drawing board relative to a future migration or outward movement from the suburbs back to the farm?

DR. WEAVER. I doubt it. I thought you were going to ask is there anything on the drawing board about a movement from the suburbs back to the central cities. This is not as farfetched as it sounds if the energy crisis continues and if our ecological concerns grow—I think we have gone overboard on ecology—but whether we have or not ecological considerations are a fact of life. In any event, one thing I think a social scientist, if he wants to survive, avoids, and that is making prophecies in such situations. I think he points up potentialities. But human beings are peculiar animals and it is very hard to guess at what they are going to do.

CHAIRMAN FLEMMING. Commissioner Saltzman.

COMMISSIONER SALTZMAN. Dr. Weaver, you have struck a resonant chord, I believe, in your paper, describing the reality of the middle-class person who wants to be surrounded by his lawn, and riding on his electric mower in suburbia. He feels this is part of the American ideal, the American promise.

In that context then, do you feel that the Government has a right to say to him that his American dream has altered by the Government's imposition of low-income, nonhomogeneous groups into his neighborhood?

DR. WEAVER. Well, yes and no.

Let me say a little word about the American dream because I am a very—as you might even deduce with a great deal of difficulty—strictly a central-city person. Maybe the reason for that is that I was born in the suburbs here in Washington.

At that time, the suburb was in the City of Washington. We had a very large lawn, 100-foot front, 250-foot deep. We were one of the eight Negro families in a community of 3,000. Consequently, my parents felt our lawn had to be cut better than the neighbors' lawn, and I had to cut it. Every time I see a lawnmower, it is like the guy with his mother-in-law. I get indigestion.

I think your question makes two assumptions. First, that these people that have gone out in suburbia have gone out there voluntarily, which they have, and that they have done so without Government assistance, which is inaccurate. The Government through FHA and VA mortgages made it possible for the suburbs to be built. It, *de facto*, subsidized the mortgages because, if there had been a general depression, the taxpayers would have to bail the mortgager out, despite the fact it has been self-supporting until recently.

The American government initiated a highway program, the magnitude of which is unbelievable, and the inflexibility of which, as far as people are concerned, is equally unbelievable in that most of those who administered it think because a straight line is the shortest path between two points such should be a highway's path.

The tax system in this country offers a tremendous bonanza to homeowners. In the first place, the homeowner has to pay no income tax on the value of the home which, if it were anything else, would be the source of income on which he would have to pay Federal, State, and local taxes. He doesn't pay income tax on the interest on his mortgage, and he gets exemption from Federal income tax for his local real estate tax. We "poor" renters get nothing comparable, so it is not only discriminatory but is extremely helpful to the suburbs and their residents.

Therefore, the suburbs didn't just naturally grow; they grew because they were nurtured by the biggest public agency we have, the Federal Government. Therefore, what the Federal Government hath created, the Federal Government has some responsibility to see that it is enjoyed by all the population—because even the poorest of us pay taxes, and some of those taxes went to develop the suburbs. Therefore, I think the Government does have some concern, does have some responsibility to see that these goodies are not only enjoyed by their chosen occupants; but, because our society is a multiclass society, the benefits of the suburbs should be available to as wide a segment of the population as possible.

COMMISSIONER SALTZMAN. I appreciate that answer, Dr. Weaver. But doesn't that raise, then, an additional problem? And I don't ask you to be a prophet, only a potentializer.

DR. WEAVER. A who?

COMMISSIONER SALTZMAN. A potentializer.

If the Government then interposes itself to bring additional peoples and groups out to the suburbs, aren't we then necessarily going to see the demise of the central city and the continued growth of satellite kinds of cities, where the core is no longer economically viable and, in other ways, no longer feasible in which to live?

DR. WEAVER. Well, I don't think so because I think these are almost two separable phenomenon. In the paper in which I have been giving excerpts from, I have addressed myself to the latter, which is the eroding base, economic base of our central cities. I don't have to tell anyone here that this is true because it is true everywhere. There is an interesting piece on it in this morning's *Washington Post* by Austin Scott.

What has happened, as I tried to hint here, is that as the suburbs have developed almost complete autonomy they have taken over many of the basic roles of the central cities.

What the central cities need is a combination, in my opinion, of certain Federal support for functions which the central cities perform that are national in the reason that they exist, and national in their impact. They also need certain actions—Federal, State, and local—to shore up their economic base so that they would do two things.

First, stop losing the population which helps the economic base, which is the moderate- and the higher-income population. Losing low-income population isn't going to kill the central cities because this is one of their greatest problems. They have too much of it, from the point of view that low-income families usually involve more expenditures, particularly if employment is not available and the economic base isn't there, than the collection of revenues. What the central ci-

ties need is more higher-income families and more businesses which will give economic base and employment to the lower-income families they already have. So these things are not as a dichotomy, one to the other.

If the low-income family can go to the suburbs and be looked at as regional residents, they will become a less drain on the region—forget whether it is on the suburb or on the central city—because they will be more self-supporting, because they will be getting more income and paying more taxes than they cost.

There is nothing more costly to a community than people who don't have economic opportunity. Not only do they pay little taxes; but, because they don't have a feeling of belonging and because they are alienated, you get a tremendous lot of antisocial behavior which is very costly to some site.

So unless and until people in that position are so located that they have access to jobs—and the new jobs are out there in the suburbs and not, by and large, in the city—then they are going to be costly to the whole metropolitan community and the cost is going to fall primarily on the central city. If you move them, they will become less costly and ultimately noncostly to the whole community. So you get not only a betterment of the central city, but you will get a much sounder economy in the whole metropolitan area.

COMMISSIONER SALTZMAN. I am not really clear in my mind. If you are going to have all services available in the suburban community, who is going to need the central city? What is its function?

DR. WEAVER. Well, of course, I have a very strong feeling, and this is one that is difficult to document because, again, going back to what I said to Mrs. Freeman, each one of us tends to generalize from the cities he knows the best.

I happen to know Washington and New York and to some degree Chicago the best, places where I have lived. Of course, Washington is peculiar. It has its economic base, the Federal Government. So it is unique and peculiar.

I would say that most of the central cities in this country—not all of them, I regret to say—have certain peculiar functions which they can perform better and much more satisfactorily than can the suburbs. What has happened is that many of the things which were peculiarly theirs 15 or 25 years ago are no longer peculiar to them. They have lost some of these things. They are, in my opinion, failing to exploit to the maximum degree those that they have still left. I wouldn't go into great detail on that now, because I don't have enough time and, secondly, I have another paper which I don't want to give until I give it to the next audience.

The problem we don't know and we have to look at is whether or not, maximizing these potentials, there is a sufficient area where there will be a possibility of competing to support the central city. I think there will be a lot of people like myself who would rather live in the central city than in any suburb. I realize we are in a minority, but I think there are many of us. And I think a lot of people who go out to the suburbs join us in that thought.

Let's face it. These central cities have to become more habitable. They have to become more attractive. They have got to do something about crime. And these are things that can be done; they can't do it alone, but I think they can be done. For my own peace of mind, I hope they will do it at least for the next few years when I am around.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Mr. Buggs.

MR. BUGGS. Yes.

Dr. Weaver, as you well know, our concern here today has to do with problems of school desegregation. All of us agree and understand the fact that we are going to have problems of the kind we are now experiencing until such time as integration really takes place from a residential point of view through the country. Title VIII, which was enacted by the Congress in 1968, obviously was needed and is still needed.

In the view of many, the implementation of that act, the forceful implementation of that act, is still not enough to promote an integrated residential pattern. What, in your judgment, can the Federal Government and other elements of government do to promote such an integrated residential pattern throughout the country?

DR. WEAVER. All right.

Several things. In the first place, I must say I have been a little bit put out by all of a sudden in the National Committee Against Discrimination in Housing finding a new set of allies. These are people who formerly had no interest in integrated housing, no interest in opening up housing to minorities, but all of a sudden now have become great proponents of this cause. Rather than doing anything about the schools, they would do something about the housing.

I am reminded of John Maynard Keynes, when he was criticized because his economics were short run and not long run, and replied that in the long run we will all be dead. It seems that is the answer to those people who suddenly have this great yen for opening up housing.

Obviously, you have to do both. It would be a much clearer and much better solution if we could break down the segregated patterns in housing and thereby have a breakdown of the segregated patterns

in schools. But you know and I know, because of political and economic and psychological reasons, we are not going to break down the housing patterns in the near future. If we are going to do anything about the school patterns, we have to do it vis-a-vis the school patterns.

So, for the long run, we have to work on the housing situation as we have been discussing it here. But in the short run, as far as the schools are concerned, I think that has to be done within the framework of the schools.

I am not an expert in this field. You have experts in the field on the program, and I am going to leave that discussion to them because I am sure they would not want me to get into their area of expertise.

CHAIRMAN FLEMMING. Dr. Weaver, I have been very much interested in this dialogue in terms of its impact on some of the issues that are before the Commission at the present time.

I might say in connection with your last observation about waiting until we get desegregation in housing before we anticipate or can have desegregation in education, it reminds me a little bit of my contacts with older persons throughout the country. When I talk about long-term planning, someone is sure to get up and say, "That is fine, but I won't be here."

As I listened to your paper and listened to this dialogue, it seems to me you put your finger on the fact that, by and large, people in suburbia don't want neighbors who come from the low-income catagory. Is that a fair generalization?

DR. WEAVER. Yes, and I go further and say that this is nothing peculiar to suburbia because, if you look at the early American cities, people in the cities didn't want them either. Look at New York City, how the upper class went up and up in Manhattan, each time getting away from the newcomer. And what has happened has been that they are still doing it, but they no longer have to do it within the city limits because of the transportation explosion and the resulting rapid growth of suburbia.

CHAIRMAN FLEMMING. I started living in Washington in 1927, so I have seen that same kind of evolution take place as you witnessed.

I would like to make this comment. This unwillingness to have persons of low income becomes a basis for discrimination against housing for older persons because time and again efforts to open up some new facility are blocked for the same reason.

Now, it is clear that over the past few years, attention has focused sharply on suburbia, as far as some persons are concerned, whenever the Federal courts order the desegregation of public schools in order to protect the constitutional rights of children and young people. As

a result of your being in close contact with this process of suburbanization, do you feel that ordinarily there is an immediate, significant response, or a response over a period of a few years on the part of persons living in the city in terms of a movement to the suburbs?

What I am driving at here is, oftentimes the allegation is made, right after a court order to desegregate, that we have had an immediate acceleration of movement to suburbia. Now, assuming that there is a desire on the part of some to respond in some way, is the process such that they could actually respond in, let's say, a comparatively short period of time?

DR. WEAVER. I regret to say, because the implications of this for housing are horrible, that the answer to that, I think, has to be in the negative.

If you look at the volume of housing starts we are having, and at the volume of housing permits, and if you look at the availability of mortgage credit and the costs of mortgage money, I think that it is almost an economic impossibility.

Secondly, even if the economics were not so damaging, from what we know from past experience and from what we know about the motivation of people moving out of the central city, particularly over the short run, that it is very dubious that this would have that impact.

If there were the possibility and if there were a general movement, this would accelerate. But as far as initiating it or being the prime cause of it, my judgment would be no.

CHAIRMAN FLEMMING. Thank you very much.

DR. WEAVER. Now, this is a judgment.

CHAIRMAN FLEMMING. Right. I appreciate that. But I appreciate that it is a judgment of one who has been studying the process and is very familiar with the process.

Now, assuming that there is an effort on the part of some within the inner city, after the court order on desegregation, to respond by moving to suburbia, will suburbia attempt to tighten its defense against the invasion of persons of low income? Will they think, for example, about new zoning laws or something of that nature?

DR. WEAVER. I don't think there can be a categorical answer. It would depend upon the nature of the suburb, the nature of the income groups involved, and all of these things.

If you had a tremendous movement of this type, it probably would go first not to the newer suburbs, but to the older suburbs—which are already on the way to being changed, both ecologically, demographically, and otherwise, and where the homes would be within the paying ability of, we would assume, lower-middle-class whites from the central cities—and there I don't think there would be any movement against

it because I think this would be a filtering process where the present residents, if there were an increase in housing supply, would be very happy to move up and to sell their houses to a new source of demand, just as in urban renewal, for example. One of the interesting things was the fact that the urban renewal displacement of minorities also created a demand for housing which accelerated the departure of the majorities because they wouldn't have been able to go and sell their house at a decent price if it hadn't been for the fact that a new set of demands was there.

So this is such a complicated market that I think you have to look at it segment by segment to see what would happen. It would depend upon the suburbs and income groups and supply. If you don't have an increase in the supply of housing, the degree of movement will be limited by these economic factors.

CHAIRMAN FLEMMING. I assume from your paper and what you have said that you would feel that, to the extent that suburban communities, oftentimes helped by the State and Federal governments, are able to build defenses against the invasion of the low-income neighbor, they are not only protecting themselves against the low-income neighbor, but because of the characteristics of the low-income group they are also insuring a degree of segregation in their schools.

DR. WEAVER. Yes, and I don't know whether—I don't know what studies have been done to try to establish that fact. It is a logical fact. And I suppose what the student of people's opinions and attitudes—I must say I am not a student of attitudes. I am a behavior man. I don't give a damn what a man's attitude is. I want to know how he behaves, because there is a great gap between what you find out under the survey he is going to do, and what he does.

After he has done it and it hurts you, I think it is much more important to know that he is going to do it than to know why he did it because he's probably not going to do it again for the same reason. He will probably do it again, but for a different reason.

I suppose it would be very interesting to discover how important the other side of the coin is. In other words, how much of the opposition to low income and to other "undesirable" people is the matter of schools.

CHAIRMAN FLEMMING. I was very much interested in your comment on the new section of the Housing and Community Development Act and your observation that up to the present time there has been very little emphasis on applying or implementing that part of the law that deals with those who expect to live in the areas. Do you have any specific suggestion as to an administrative step that could be taken to bring about an implementation of that part?—because I agree with you, to me that is a very important part of section 8.

DR. WEAVER. I try very carefully to avoid offering advice or comment to those who have succeeded me in HUD, and I don't feel I should depart from that.

So leaving that side of it out entirely, from what I understand—and I have no inside information—there has been quite a bit of concern about this, both in the Congress—because it was the Congress, as you recall, which wrote this in, not the administration—the House and the Senate, too, feeling that this part of the legislation has not been given adequate attention.

I am also advised that at the present time HUD is rewriting the regulations on this. And the first thing obviously is to put something in the regulations which interprets what the act is supposed to say. I would think that here the important thing is going to be keeping the Congress very much concerned with this, not only from a point of view of content but also from the point of view of the fact that Congress does not like to be ignored. I think this latter one will probably get you more Brownie points than the former.

CHAIRMAN FLEMMING. I agree.

DR. WEAVER. It seems to me the first thing is to get the regulations straightened out. They have been very wishy-washy, very ambiguous to date, and I think that has to be done because without that you have no foundation.

Secondly, it seems to me that here is where I think the Commission can have some great importance in surveillance to see that this is being carried out. I don't want to hint, and I am sure you don't want that implication, that this is purely and simply the Commission's job. This is something in which you are one of many groups which should be interested in this.

But I think it is of very, very great importance because the whole way the applications are being dealt with is basic. In the whole idea of revenue sharing and putting it back to the people, there was a very little bit of Federal review and what there was was a postaudit review. I think there is experience now that would question whether or not this is adequate. So it is a question of what is done under the new law as far as the community level vis-a-vis the development plan, but also what kind of machinery is set up in HUD to see that, whatever its regulations may be, assuming they are adequate, that they are carried out.

Nobody wants to go back to categorical grants, but it seems to me we have gone from too much surveillance to not enough. It seems there has to be some place in the Federal Government where somebody has to look at performance because, as many people have pointed out, once the Federal Government gets out, the lowest com-

mon denominator gets in. This is documented. Jessie Burkhead of Syracuse University, in a recent paper, and others pointed it out.

I know I have had mayors cuss me out publicly and then call me up and say, "For God's sake, don't give in on that, but I can't fight it out here." If you are going to do something for the people in some site and a locality who need it the most, the local government and the strong mayor often is helped if he has somebody whom he can blame for doing the right thing. Otherwise he is going to be a statesman, and Bob Wagner once defined a statesman as a defeated politician.

CHAIRMAN FLEMMING. You do feel there are some constructive possibilities built into section 8?

DR. WEAVER. Yes, and I think there are many constructive policies in the new legislation. I don't think they have been realized, but I think this is something all of us have to be concerned with, then, after they are realized in the regulations, to see they are realized in fact. They won't be self-administered and they won't be self-supportive.

CHAIRMAN FLEMMING. I don't want to tempt you to break your rule, but let me ask this question: Do you feel there is any real justification for administering 235 in such a way as to virtually bar low-income people from participation in that program, anything in the history or experience in the implementation of 235?

DR. WEAVER. When Senator Percy came out with the idea of subsidized homeownership as the principal tool for housing the poor, I attacked the proposal. I pointed out that without careful counseling it would do more harm than good. I subsequently noted that homeownership was a middle-class concept which assumed middle-class opportunities, including a fair degree of economic and job security; thus too great emphasis upon ownership was dangerous. I lost that battle, and the only way I could get the 1968 act through was to put a homeownership provision for low-income households. It went through both Houses, and there were provisions for counseling.

As your report indicated, counseling wasn't done until 1972. I don't think it was even asked for until 1971. So I would add that one of the problems of section 235 was inclusion of existing housing. This, too, I opposed, not because I don't feel existing housing was good enough, but I knew the sort of people who ran existing housing, and I knew that poor, unsophisticated people would be exposed to what we used to call the "suede shoes boys" who would sell anything to anybody.

In the case of many of them, after these sales were made, you couldn't find them. They would say to the poor family, "Look, you don't want to rent, you want to buy. You only have to put $200 down."

Some would put up the $200 and receive much more in commission. So they would be ahead that far.

The abuses in that type of legislation are legion. They were not anticipated either in the way the law was finally drawn up and certainly not anticipated in the way it was administered. On the other hand, to go in and say it doesn't work and, therefore, we are going to cut it out and convert it entirely, I think is not the thing to do.

I think the thing to do is to analyze why it didn't work. It didn't work because, first, it got too much into the existing housing field, and this is one you can't monitor. Secondly, it didn't work because we didn't have a counseling service. Third, it didn't work because it was pushed too fast without recognizing that there were human beings involved and the degree to which it was pushed should have considered which people would be involved and what would happen to them.

So it seems to me that to react so strongly and to make it a different type of program raises a very basic issue, and that is, what is the social justification for 5 percent mortgages to people who are in the income groups that are now to be involved? Why should they be subsidized? Is there a social benefit commensurate with the public expenditure involved? And if this group is subsidized and that subsidy is taken away from those who need it more, is that a socially desirable thing to do?

So I think all these things are involved, and I have a feeling it could be reviewed more carefully and perhaps come out more positively from a point of view of social justice and public policy position.

CHAIRMAN FLEMMING. May I express to you again our deep appreciation for your paper, for the summary that you have presented to us, and for the way in which you have responded to our comments and our questions. This is going to be a great help to us as we continue. Thank you. We appreciate it very, very much.

I am going to take, at this time, a recess until about 17 minutes of 11:00.

[Recess.]

CHAIRMAN FLEMMING. It is a privilege to have with us now Mr. Robert B. McKay. We are very happy to have Dean McKay here with us today and to discuss with us his paper on courts, the Congress, and school desegregation. Dean McKay.

## STATEMENT OF ROBERT B. MCKAY, THE ASPEN INSTITUTE, AND FORMER DEAN, LAW SCHOOL OF NEW YORK UNIVERSITY

[Mr. McKay, because of the legal specificity of his paper, read it verbatim.]

# COURT, CONGRESS, AND SCHOOL DESEGREGATION

By Robert B. McKay*

The Constitution of the United States provides for a three-way separation of power, giving substantial but not unlimited authority to Congress, to the President, and to the Federal courts. A system that allows one branch to define the power of each of the other branches, and the limitations on each, invites conflict. This is particularly true when the power of final decision is given to the judicial branch, which has been properly described as the least powerful because it commands neither the power of purse nor sword.

Accordingly, it is not surprising that American constitutional history includes a number of instances of tension between Court and Congress or between Court and President. The highlights are familiar.

- President Jefferson was furious with Chief Justice Marshall's rebuke to the President and to Congress in *Marbury v. Madison* in 1803, but rendered impotent by a decision technically in his favor.
- President Jackson is alleged to have threatened darkly: "Mr. Marshall has made his decision. Now let him enforce it."
- The 1857 *Dred Scott* decision, holding slaves to be property and not persons, was one of the factors that led to the Civil War.
- President Lincoln almost certainly overstepped his constitutional authority during the Civil War, but the Supreme Court offered no challenge until after the war was over.
- The constitutionality of the Reconstruction Acts was not tested when Congress' power to deny appellate jurisdiction to the Supreme Court was upheld in *Ex Parte McCardle* in 1869.
- President Franklin Roosevelt's dissatisfaction with the Supreme Court treatment of New Deal legislation resulted in efforts to enlarge the Court and thus presumably to change the course of decision. When his plan was labeled "Court-packing," the proposal was doomed, and Roosevelt suffered his first serious setback at the hands of Congress.
- In the mid-fifties, there were repeated attempts to amend the Constitution to overturn Supreme Court decisions unpopular in Congress and assertedly with the public as well. But all were defeated—the Bricker Amendment to modify the treaty power and a series of proposals arising out of the anti-Communist sentiments of the time.

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• In the mid-sixties there was a substantial campaign to modify the one-man, one-vote principle of the *Reapportionment Cases*. But this also failed, perhaps significantly in this instance because the public, which in general approved the Supreme Court rulings, eventually made that view clear to its elected representatives.

Now comes the turn of school desegregation, with Supreme Court rulings that are publicly applauded, but, in many cases, privately disapproved. After the initial stir created by *Brown v. Board of Education*, implementation went forward slowly until the late sixties with the decisions in *Jefferson*, *Green*, and *Alexander* (to be discussed below) that made imperative immediate steps for effective desegregation. At the time that was generally acceptable because Congress and the President were in step with the Court. This meant that compliance was actively encouraged by each branch of the Federal Government. When no respectable voice was raised against desegregation, rapid progress was possible, North and South. The high tide of forward movement probably was in 1971 when, in the *Swann* cases, the Supreme Court recognized busing as a remedy that might be constitutionally necessary in some circumstances.

It was then that it was discovered that to describe busing as "forced" would allow revival of old prejudices, particularly when expressions of bias, even hate, were made respectable by the President of the United States. The not-surprising results were a near-total stop of voluntary desegregation efforts and the present legislative campaign to restrict the remedies available to the Federal courts in the limitation of segregation. The turnaround in attitude and practice is a tragedy of the first magnitude.

Congressional attempts to curb the power of the Federal courts in the area of school desegregation date largely from the Supreme Court's decision in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971). It is a response to the Court's approval in that case of busing as a remedy that it may in some circumstances be used to alleviate the effects of *de jure* racial segregation. On the surface, therefore, the opposition is to busing and not to the entire process of school desegregation. This is consistent with polls that reveal an increasing public acceptance of school integration[1] and increasing resistance to busing as a means of accomplishing integration.[2] However, the history of the resistance to school desegregation over the past two decades[3] makes it difficult to accept the idea that racism plays no part

[1] N. Y. Times, Oct. 12, 1975, p. 30.

[2] N. Y. Times, Sept. 9, 1973, p. 55.

[3] *See generally*, L. Panetta & P. Gall, *Bring Us Together* (1971); G. Orfield, *The Reconstruction of Southern Education* (1969); R. Sarratt, *The Ordeal of Desegregation* (1969); J. Peltason, *Fifty-Eight Lonely Men* (1961).

in the antibusing movement.

Whatever its sources, opposition to busing appears to command a majority in Congress. This has not yet led to a head-on confrontation with the courts because legislation thus far enacted has been framed to avoid constitutional difficulties. And it now appears that the primary focus of congressional interest is an antibusing amendment to the Constitution. While, to the proponents of busing, this would be far more serious than legislation, an amendment would not raise the possibility of a clash with the judicial branch. Moreover, the prospects for passage of a constitutional amendment are highly speculative.

Analysis of the proposed amendments and statutes requires a review of both the existing statutes and the case law. It will then be possible to assess the constitutionality of past and present antibusing efforts.

## Background to Swann

Inevitably, analysis of school desegregation law must begin with *Brown v. Board of Education*, 347 U.S. 483 (1954) (*Brown I*). That landmark opinion contained no ruling on relief. Instead, the remedy in the four cases before the *Brown* Court was announced 1 year later in *Brown v. Board of Education*, 349 U.S. 254 (1955) (*Brown II*), where it was held that the plaintiffs were to be admitted to the public schools on a racially nondiscriminatory basis "with all deliberate speed." This general language proved spectacularly unsuccessful in giving direction to the lower courts in the enormously difficult process of remedying school desegregation.

The nature of the obligation imposed on school boards by *Brown II* was left for clarification in the lower courts. When the cases before the *Brown* Court were remanded, the district court in one of these cases described the duty of school officials in what came to be a very well-known passage:

> [I]t is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the states. It has not decided that the states must mix persons of different races in the school or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. This***the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, then no violation of the Constitution is involved even though the children of different races voluntarily attend different schools*** The Constitution, in other words, does not require integration. It merely forbids discrimination. *Briggs v. Elliott*, 132 F. Supp. 776, 777 (E.D.S.C. 1955).

This distinction between integration and desegregation established the formula for remedial procedures in the first decade after *Brown*. In the court opinions a short phrase drawn from *Briggs*—"the Constitution does not require integration, it merely forbids segregation"–soon became a familiar refrain.[4] Under this formula little integration took place because school boards were required to do nothing other than to avoid the official assignment of students to particular schools according to race. Despite the maintenance of segregation in virtually all southern school systems, this period saw the first congressional attempts to curb the Federal courts in the area of school desegregation;[5] but no legislation was enacted.

The mid-sixties saw major changes in school desegregation law. Impetus for these changes came from the passage of the 1964 Civil Rights Act and the growth of the civil rights movement.[6] It is worth noting that during this time—indeed, during the entire period from 1955 until 1967—the Supreme Court decided few desegregation cases and provided little help for the lower courts.[7] The burden of desegregating the southern schools was borne by the lower courts, a fact to be considered when legislation is proposed that would eliminate or diminish the power of these courts to remedy school segregation.

In the mid-sixties the lower courts began to abandon the *Briggs* dictum in favor of a rule that school boards in formerly *de jure* segregated systems were charged with an affirmative duty to integrate black and

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[4] See *Bradley v. School Board*, 317 F.2d 429, 438 (4th Cir. 1963); *Jeffers v. Whitley*, 309 F.2d 621, 629 (4th Cir. 1962); *Boson v. Rippy*, 285 F.2d 43, 45–46 (5th Cir. 1960); *Kelley v. Board of Education*, 270 F.2d 209, 229 (6th Cir.), *cert. denied*, 361 U.S. 924 (1959); *Borders v. Rippy*, 247 F.2d 268, 271 (5th Cir. 1957); *Rippy v. Borders*, 250 F.2d 690, 692–93 (5th Cir. 1957); *Avery v. Wichita Falls Independent School District*, 241 F.2d 230, 233 (5th Cir.) *cert. denied*, 353 U.S. 938 (1957); *Bell v. School City of Gary, Indiana*, 213 F.Supp. 819 (N.D. Ind.), *aff'd*, 324 F.2d 209 (7th Cir. 1963); *Evans v. Buchanan*, 207 F.Supp. 820, 823–24 (D. Del. 1962); *Jackson v. School Board* , 203 F.Supp. 701, 704–06 (W. D. Va.), *rev'd on other grounds* , 308 F.2d 918 (4th Cir. 1962).

[5] See Thompson & Pollitt, Congressional Control of Judicial Remedies: President Nixon's Proposed Moratorium on "Busing" Orders, 50 N.C.L. Rev. 809, 816–17 (1972). One bill would have deprived the Federal courts of jurisdiction to hear any suit questioning State laws relating to the public schools. H.R. 1228, 85th Cong., 1st Sess. (1957). Another bill would have deprived the Supreme Court of appellate jurisdiction in cases attacking public school systems "on grounds other than substantial inequality of physical facilities and other tangible factors." S. 3467, 85th Cong., 2d Sess. (1958).

[6] Read, Judicial Evolution of the Law of School Integration Since *Brown v. Board of Education*, 39 Law & Contemp. Prob. 7, 16–19 (1975).

[7] The Court decided only three significant school desegregation cases during this period. *Griffin v. County School Board*, 377 U.S. 218 (1964) (ordering the reopening of schools that had been closed to avoid desegregation); *Goss v. Board of Education*, 373 U.S. 683 (1963) (holding invalid a minority-to-majority transfer plan); *Cooper v. Aaron*, 358 U.S. 1 (1958) (holding that desegregation could not be delayed because of interference by State officials). These cases urged more rapid progress while giving little advice on the mechanics of the desegregation process. *Read, supra* n.6, at 19.

white students. The new standard became: "The only school desegregation plan that meets constitutional standards is one that works." *United States v. Jefferson County Board of Education*, 372 F.2d 836, 847 (5th Cir. 1966),*aff'd en banc*, 380 F.2d 385, *cert. denied*, 389 U.S. 840 (1967). This case was extremely important to the development of school desegregation law; most of the problems it considered continue to plague the law today.[8]

The circuit courts adopted conflicting positions on the affirmative duty question[9] until the issue was resolved by the Supreme Court in *Green v. County School Board*, 391 U.S. 430 (1968). In *Green*, the Supreme Court rejected a freedom-of-choice plan that had failed to produce any significant amount of integration. The evil in the system, according to the Court, was that "racial identification of the system's schools was complete," *id.* at 435, and this was deemed to be "precisely the pattern of segregation to which *Brown I* and *Brown II* were particularly addressed, and which *Brown I* declared unconstitutionally denied Negro school children equal protection of the laws." *Ibid.*

To remedy this segregation, the Court held that the school board was "charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." *Id.* at 437–38. The burden was placed on the school board "to come forward with a plan that promises realistically to work, and promises realistically to work *now*." *Id.* at 439 (emphasis in original). While this decision indicated that further delay would not be tolerated and established the affirmative duty as national law, it did not order any busing. Because the school system in the *Green* case was set in a rural county with no housing segregation, the Court suggested that zoning, *i.e.*, a "neighborhood school" plan, would be appropriate. *Id.* at 439. In retrospect, however, it is clear that busing orders had to result if *Green* was to be applied to school systems with segregated housing patterns.

Two years after *Green* the Supreme Court decided *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969). The *Alexander*

[8] See Read, *supra* n.6, at 21–28.

[9] The Fourth and Sixth Circuits refused to accept the doctrine of an affirmative duty. *Green v. County School Board*, 382 F.2d 338 (4th Cir. 1967), *vacated and remanded*, 391 U.S. 430 (1968); *Monroe v. Board of Comm'rs*, 380 F.2d 955 (6th Cir. 1967), *vacated and remanded*, 391 U.S. 450 (1968). The Fifth Circuit adopted the doctrine in the *Jefferson* case. And the Eighth Circuit took different positions depending on the panel. *Compare Raney v. Board of Education*, 381 F.2d 252 (8th Cir. 1967), *rev'd*, 391 U.S. 443 (1968), *and Clark v. Board of Education*, 369 F.2d 661 (8th Cir. 1966) (opposed), *with Jackson v. Marvell School District No. 22*, 389 F.2d 740 8th Cir. 1968); *Kemp v. Beasley*, 389 F.2d 178 (8th Cir. 1968); *and Kelley v. Altheimer*, 378 F.2d 483 (8th Cir. 1967) (supporting adoption).

Court held that school boards were not entitled to any further delay in implementing desegregation plans

> because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

*Id.* at 20. Taken together, therefore, *Green* and *Alexander* established that school boards in formerly *de jure* segregated systems could no longer maintain a dual system or racially identifiable schools and that they were required to take immediate steps to remedy segregation. Logically, this meant that where housing segregation existed, it would not be enough to assign students to their neighborhood schools. Instead, actual integration—*i.e.*, the elimination of racially identifiable schools—would have to be accomplished and this would require the identification of students by race and their assignment to schools on that basis.[10]

## *Swann and Its Companion Cases*

This logic prevailed another 2 years later in *Swann v. Charlotte-Mecklenburg Board of Education*, *supra*, the first case that presented a busing order for Supreme Court review. *Swann* traced the history of the resistance to school desegregation, noting that the "objective today remains to eliminate from the public schools all vestiges of state-imposed segregation." *Id.* at 15. The district courts have broad equitable powers to accomplish this objective, *ibid.*, and these powers include the use of mathematical ratios as a starting point in shaping remedies, *id.* at 25, and the assignment of students according to race in order to promote integration, *id.* at 28.

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[10] It may appear that the identification of students by race in order to assign them to schools as part of a desegregation plan is inconsistent with *Brown's* outlawing of the assignment of students by race for the purpose of segregation. Indeed, antibusing spokesmen claim that *Green*, *Alexander*, and *Swann* represent a full circle from *Brown*. However, some have contended that *Brown* is ambiguous because it is not clear whether the decision prohibits racial assignment or segregation—segregation understood not as action to segregate, but as a demographic fact involving separation of the races. Fiss, School Desegregation: The Uncertain Path of the Law, 4 Philo. & Pub. Affairs 3 (1974). *Green*, *Alexander*, and *Swann* can thus be interpreted as taking the latter view of *Brown* as holding that whenever segregation is a foreseeable and avoidable result of government operations, those operations must be altered to prevent segregation and to promote integration. See also Fiss, The Jurisprudence of Busing, 39 Law & Contemp. Prob. 194, 199–200 (1975).

In the school district involved in *Swann* "assignment of children to the school nearest their grade would not produce an effective dismantling of the dual system." *Id.* at 30. Accordingly, the Court approved the busing order. And, recognizing that "[a]n objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process," the Court nonetheless held that, "Desegregation plans cannot be limited to the walk-in school." *Id.* at 30–31.

In evaluating the antibusing efforts of Congress, the companion cases to *Swann* are as important as the main decision. First, in *Davis v. Board of School Commissions*, 402 U.S. 33 (1971), the Court reviewed a district court order that left 12 all-black or nearly all-black elementary schools because a highway divided the metropolitan area of Mobile, Alabama, into predominantly white and predominantly black areas and the district court had treated the two areas as distinct "without either interlocking zones or transportation across the highway." *Id.* at 36. The court of appeals had developed a modified plan, but this still left 6 black schools because the eastern and western zones were still treated in isolation from each other. *Ibid.*

The Supreme Court rejected the approach of treating the two areas in isolation, holding that "inadequate consideration was given to the possible use of bus transportation and split zoning." *Id.* at 38. And, in an important paragraph, the Court stated that:

> [N]eighborhood school zoning, "whether based strictly on home-to-school distance" or on "unified geographic zones," is not the only constitutionally possible remedy, nor is it per se adequate to meet the remedial responsibilities of local boards. Having once found a violation, the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation. A district court may and should consider the use of all available techniques including restructuring of attendance zones and both contiguous and noncontiguous attendance zones***. The measure of any desegregation plan is its effectiveness. *Id.* at 38.

This paragraph serves to emphasize the principle inherent in *Swann* that once any finding of *de jure* segregation is made, everything possible must be done to desegregate and this will naturally include busing where there is any significant degree of residential segregation.

That the Court will not be deterred from using busing where it is a necessary remedy for school segregation was confirmed in another companion case, *North Carolina Board of Education v. Swann*, 402 U.S. 43 (1971). In that case, the Court affirmed an order declaring

unconstitutional a North Carolina statute prohibiting racial assignment of students and busing based on racial assignment. The Court held that a ban on racial assignment "would deprive school authorities of the one tool absolutely essential to fulfillment of their constitutional obligation to eliminate existing dual school systems." *Id.* at 46. The Court also concluded that the ban on busing was invalid because "bus transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance upon it." *Ibid.*

The *Swann* cases in effect hold that in many situations there will be no remedy for segregated schools other than busing. As the remedy becomes part of the right, any limitation on busing becomes a presumptive interference with the right to an integrated education. This merger of right and remedy is the main constitutional obstacle to antibusing legislation.

### *Pre-Swann Statutes*

The first legislation that is relevant to this inquiry is, ironically, the Civil Rights Act of 1964. Section 407 of that act authorizes the Attorney General to maintain school desegregation actions upon the receipt of written complaints. And that section goes on to grant jurisdiction over such actions to the Federal courts with the following proviso:

> [N]othing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. 42 U.S.C. §2000c-6(a).

The purpose appears to be to guarantee that no expansion of judicial power will result from the statute; but it is not designed to restrict "the existing power of the court to insure compliance with constitutional standards." This is the interpretation that was given to section 407 in *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 17–18 in reliance on both the language and the legislative history of the statute. Concluding that the section was based on congressional desire not to extend the power of the Federal courts to remedying *de facto* segregation, *Swann* held that section 407 was irrelevant where, as there, "state-imposed segregation" was involved. *Id.* at 18.

It is somewhat bewildering, therefore, that numerous members of Congress seem to believe that section 407 prohibits the Federal courts from ordering busing as a remedy for *de jure* segregation.[11] They have

[11] See, e.g., Hearings on School Busing Before Subcommittee No. 5 of the House Comm. on the Judiciary, 92nd Cong. 2d Sess., pt. 1, at 39 (1972) (statement of Rep. Rarick); *id.* at 44 (statement of Rep. Mizell); *id.* at 73 (statement of Rep. Waggonner).

sought to label members of the Court as "blind men" and to accuse the Court of having totally ignored section 407 in *Swann*. Such misstatements, relying on an appeal to base emotion, call into question the motives behind antibusing legislation. To suggest that the Supreme Court itself violates the law when it orders busing is particularly objectionable because so patently inconsistent with the statute itself.

The approach of the 1964 Civil Rights Act was followed in the Elementary and Secondary Education Act of 1965, 20 U.S.C. §1232(a), which prohibited the use of Federal funds for the assignment or transportation of students or teachers in order to overcome racial imbalance. The legislation continued the *de jure-de facto* distinction, which allowed the Department of Health, Education, and Welfare (HEW) to play a major role in ending *de jure* segregation.[12]

This effort brought congressional reaction in the late sixties and early seventies corresponding to the increase in HEW's activities in promoting desegregation. Beginning in 1969, HEW appropriation bills have carried some variation on the so-called Whitten Amendment prohibiting HEW from forcing school districts to bus students, forcing the closing of any school, or forcing any student to attend a particular school against the choice of his or her parents.[13] The force of these amendments was weakened in 1969 and 1970 by inclusion of language indicating that the prohibition of HEW activity would not apply where it conflicted with the Constitution.

Chief Justice Burger's 1971 opinion in *Swann* showed that, despite two Nixon appointments to the Supreme Court, the judiciary would not falter in its efforts to eradicate the vestiges of dual school systems in the South. And northern cases were beginning to work their way through the courts producing orders requiring busing. This set the stage for much more drastic antibusing language and proposals for antibusing constitutional amendments.

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[12] "Title VI of *** [the 1964 Civil Rights Act] proscribed discrimination in any program or activity receiving federal financial assistance, under threat of loss of funding, *** when combined with the Elementary and Secondary Act of 1965, *** which greatly increased the amount of federal money available for the nation's public schools--particularly schools in low income areas such as the Deep South—Title VI of the Civil Rights Act of 1964 provided federal officials with both a powerful club and a tempting carrot. With one hand they could offer generous amounts of federal aid to recalcitrant school districts and with the other they could demand that desegregation efforts begin at the risk of the district losing all of those new found dollars." Read, *supra* n.6, at 17-18 n.42.

[13] See Hearings, *supra* n. 11 at 141 (statement of Rep. McDonald); Comment, Congress and the President Against the Courts: Busing as a Viable Tool for Desegregation, 19 Wayne L. Rev. 1483, 1493-95 (1973).

## *The Nixon Busing Bills of 1972*

Early in the 1972 session of Congress, Senator Griffin introduced an antibusing amendment to the Higher Education Act[14] providing that,

> No court of the United States shall have jurisdiction to make any decision, enter any judgment or issue any order the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.

This drastic amendment was narrowly defeated by a 50 to 47 vote on February 29, 1972. A similar amendment, introduced by Senator Dole, was defeated the next day by only a one-vote margin, 48 to 47. Meanwhile, on February 29, the Senate had adopted the much milder Mansfield-Scott Amendment that formed the basis for the final antibusing provisions of the Education Amendments of 1972, discussed below.

These votes were soon followed by Administration action when President Nixon outlined sweeping proposals on education and busing in a message to Congress on March 17, 1972.[15] Implementing legislation in the form of two separate bills was introduced a few days later.[16] A co-sponsor of both bills in the House was the then Republican minority leader Gerald Ford. The two bills reflected the President's two-stage plan: "an immediate stop to new busing in the short run, and constructive alternatives to busing in the long run."

The Student Transportation Moratorium Act was the short-run measure; it would have required that any busing order entered by a Federal court or any busing plan mandated by HEW would be stayed until July 1, 1973, or the date of new remedial legislation offering alternatives to busing, whichever was earlier. This bill basically did not survive in any form. More important was the Administration's long-run proposal, the Equal Educational Opportunities Act. Its stated aim was "to provide federal finance assistance for educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system." It set forth a priority of remedies from which Federal courts and agencies must choose "the first" or "the first combination thereof which would remedy such denial" of equal educational opportunity. The stated remedial sequence was as follows: assignment to the nearest possible school; majority-to-minority transfer plans; revision of attendance zones; construction of new schools; establishment of magnet schools or educational parks; and "any other plan which is educationally sound and administratively feasible." But specific limits would have been imposed on the use of

[14] S.659, 92d Cong., 2d Sess. (1972).
[15] 118 Cong. Rec. S. 4164 (1972).
[16] H.R. 13914, H.R. 13916, S. 3388, S. 3395, 92d Cong., 2d Sess (1972).

transportation in implementation plans, depending on the level of school attended. This bill, eventually enacted in revised form in 1974, will be discussed further below. Both Administration bills raised substantial questions about their constitutionality, provoking a wave of commentary.[17] (The constitutional issues are also discussed below.)

These drastic bills were unsuccessful during 1972. Instead, Congress adopted a conference committee's milder antibusing amendments, §§801–806 of the Education Amendments of 1972, 20 U.S.C. §§1651–1656. Section 801 prohibits the use of Federal funds for busing either to overcome racial imbalance or to carry out a plan of desegregation except upon request of local school officials. And all Federal officials are prohibited from requiring busing as a condition for receipt of funds. Parents or guardians of children subject to court-ordered busing are authorized by section 804 to reopen or intervene in the implementation of the order if, in language that tracks *Swann*, "the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process." Sections 805 and 806 were directed at problems of sectional discrimination in providing for uniform nation-wide rules of evidence to prove racial discrimination in student assignment and in providing that the portion of section 407 of the Civil Rights Act of 1964 that is discussed above applies to all public school systems in the United States, "whether *** situated in the northern, eastern, western or southern part of the United States."

Section 803, which expired by its terms on January 1, 1974, is the only section that has played any significant part in litigation. It provided that district court orders requiring transportation (as busing is euphemistically called) for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status be stayed until all appeals from such orders had been exhausted. The racial balance language of this section recalled similar language in the 1964 Civil Rights Act which had been construed in *Swann* as applying

[17] R. Bork, *Constitutionality of the President's Busing Proposals* (1972); Goldberg, The Administration's Anti-Busing Proposals—Politics Makes Bad Law, 67 Nw. U.L. Rev. 319 (1972); Thompson & Pollitt, Congressional Control of Judicial Remedies: President Nixon's Proposed 382–83 on Orders, 50 N.C.L. Rev. 809 (1972); Comment, On Insulating Busing from Congressional Review: the *Swann* Right to a Racial Mixture, 22 Am. U.L. Rev. 795 (1973); Comment, Congress and the President Against the Courts: Busing as a Viable Tool for Desegregation, 19 Wayne L. Rev. 1483 (1973); Note, Breaking the Law: Antibusing Legislation and the Constitution, 3 N.Y.U. Rev. L. & Soc. Change 119 (1973); Note, Segregation—Congress Attempts to Limit the Effectiveness of Busing Orders in School Desegregation Cases, 53 B.U.L. Rev. 235 (1973); Note, The Nixon Busing Bills and Congressional Power, 81 Yale L.J. 1542 (1972); Note, Moratorium on School Busing for the Purpose of Achieving Racial Balance: A New Chapter in Congressional Court-Curbing, 48 Notre Dame Law. 208 (1972).

only to *de facto* segregation. The President recognized this and other significant differences between these provisions and his proposals in reluctantly signing them into law. He stated that Congress "has not provided a solution to the problem of court-ordered busing; it has provided a clever political evasion."

As predicted, section 803 did not stay any busing orders. In *Drummond v. Acree*, 409 U.S. 1228 (1972), Mr. Justice Powell, relying on *Swann's* interpretation of section 407 of the 1964 Civil Rights Act, held that section 803 applied only to *de facto* segregation. After this decision the lower courts treated section 803 as being inapplicable to *de jure* segregation, *NAACP v. Lansing Board of Education*, 485 F.2d 569 (6th Cir. 1973); *United States v. Board of Education*, 476 F.2d 621 (10th Cir. 1973); and it expired at the beginning of 1974.

## Interim Developments: Keyes and The Two Bradley Cases

Antibusing legislation was not seriously considered in 1973, but it became an important subject of congressional concern again in 1974. In the interim period developments in the case law set the stage for the eventual congressional reaction. In 1973, the Court decided its first major school desegregation case involving a northern city—Denver. *Keyes v. School District No. 1*, 413 U.S. 189 (1973).

*De jure* segregation had been found by the district court in the northeast section of Denver, but it was held that the school segregation existing in other areas of the city was *de facto*. Nevertheless, the district court ordered widespread desegregation in order to equalize educational opportunities for all black pupils in Denver. The Tenth Circuit upheld the finding of *de jure* segregation, but reversed the order insofar as it applied to the *de facto* areas on the basis that the Federal courts lacked the power to grant such orders.

The Supreme Court resolved the difference between the district court and the court of appeals by holding that a system-wide remedy is appropriate if it is shown that "an intentionally segregative policy is practiced in a meaningful segment of a school system" and the school authorities are then not able to meet "the burden of showing that their actions as to other segregated schools within the system are not also motivated by segregative intent." *Id.* at 209.

This standard of intent—certainly an unusual test to be applied by the Court[18]—has proven difficult to apply.[19] But it indicated that a

[18] Cf. *McGinnis v. Royster*, 410 U.S. 263, 276–77 (1973); *Wright v. City of Emporia*, 407 U.S. 451 (1972); *Palmer v. Thompson*, 403 U.S. 217, 224 (1971); *United States v. O'Brien*, 391 U.S. 367, 382–83 (1968); *Griffin v. County School Board*, 377 U.S. 218, 231 (1964).

[19] See Marshall, The Standard of Intent: Two Recent Michigan Cases, 4 J. Law & Ed. 227 (1975).

heavy burden could be placed on school authorities to explain how local schools had become segregated and therefore suggested that massive school desegregation, accompanied by busing, would soon be coming to the North and West. This was certain to have an impact on Congress, an impact which was enhanced by developments in metropolitan desegregation cases.

The first metropolitan desegregation case to reach the Supreme Court was *Bradley v. School Board*, 412 U.S. 92 (1973), which affirmed by an equally divided Court the Fourth Circuit's reversal of a district court desegregation plan that encompassed both Richmond and its suburbs. There was no majority because Mr. Justice Powell had disqualified himself, having once been a member of the Richmond School Board. The Court granted certiorari to resolve this issue in the Detroit case and while decision in that case was pending, Congress, as discussed below, was considering drastic antibusing legislation. When the Detroit case was decided and it was held that a metropolitan desegregation plan was improper, *Milliken v. Bradley*, 418 U.S. 717 (1974), Congress backed down somewhat.

## 1974: Revival of the Nixon Bill

In the 1974 session of Congress, the Nixon Educational Oppportunities Act of 1972 was revived in somewhat modified form. As passed by the House, the bill contained a flat ban on the transportation of students for desegregation purposes rather than the earlier proposal to ban transportation of students below the seventh grade.[20] The House bill also contained a provision for the reopening of any desegregation plan in effect when the bill was enacted to allow modification of the plan so that it would comply with the bill.[21]

An identical proposal to the one approved by the House was introduced in the Senate by Senator Gurney of Florida. It was defeated by a 47 to 46 vote. By another vote of 47 to 46, the Senate adopted

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[20] The sincere motives for the restrictions on busing of very young children that were contained in the Nixon bill are easily discerned, but if effective desegregation is to remain as a goal, this type of restriction on busing is extremely counterproductive. As Orfield reports, "One of the few points of consensus in desegregation studies and in interviews of school officials is that young children experience the least difficulty in adapting to desegregation." And he argued that: "Desegregation plans that operate on the assumption that children should remain in their neighborhoods for the first grades and then transfer to desegregate schools can find no support in social science research. The information we do possess about the operation of the process strongly argues for making early desegregation a top priority in litigation and planning. This is one of the few clear and unambiguous recommendations that can be made on the basis of existing research." Orfield, How to Make Desegregation Work: The Adaptation of Schools to Their Newly-Integrated Student Bodies, 39 Law & Contemp. Prob. 314, 334–35 (1975).

[21] H.R. 69, 93d Cong., 2d. Sess. (1974).

a Mansfield-Scott compromise proposal, which did not include the reopener provision. Although it also banned transportation of students to schools beyond the school closest or next closest to their homes, it softened this ban by stating that it is "not intended to modify or diminish the authority of the courts of the United States to enforce fully the Fifth and Fourteenth Amendments to the United States Constitution."[22]

The bills went to a conference committee and the House instructed its conferees to insist on the House busing provisions. President Nixon indicated that he might veto the entire Elementary and Secondary Education Act unless it contained the House provisions. However, the Supreme Court decision in *Milliken v. Bradley, supra*, was handed down while the conference committee was working and this appeared to mollify the House. The final conference report adopting the Senate language was approved in the House by a vote of 323 to 83.[23] Discussion of the legislation as finally approved, sections 202 – 259 of the Equal Educational Opportunities Act of 1974, 20 U.S.C. §§1701 – 1758, will be limited here to the provisions that most affect the courts.

Section 203 sets out several congressional findings and also contains the Senate language indicating that these provisions are not intended to affect the power of the courts to enforce the Constitution. Section 213 provides that Federal courts and agencies should use only those remedies that are necessary to correct "particular denials of equal educational opportunity or equal protection of the laws." This is apparently directed at the case law rule, discussed above, of taking maximum steps to desegregate wherever a single violation is found.

Section 214 establishes the same priority of remedies as contained in the original Nixon bill. Section 215 prohibits transportation orders beyond the school next closest to the student's home. Section 216, apparently directed at metropolitan desegregation plans, provides that school district lines may not be ignored or altered unless the lines "were drawn for the purpose, and had the effect" of causing segregation. Proceedings may be reopened under section 218 if there is a busing order in effect that would risk the health or affect the education of students. Other provisions to a large extent repeat the 1972 legislation discussed above.

Because of the qualification that this legislation is not intended to affect judicial power, it is not likely to produce any confrontation with

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[22] S. 1539, 93d Cong., 2d. Sess. (1974).
[23] 30 Cong. Q. Almanac 441 (1974).

the courts. The only reported case dealing with these statutes is *Hart v. Community School Board*, 512 F.2d 37 (2d Cir. 1975). There sections 208 and 215(c), which provide that population shifts producing segregation in a desegregated system do not *per se* form the basis for a new desegregation order, were held to apply to *de facto* and not *de jure* segregation. *Id.* at 52. And the court found that section 256, which prohibits busing orders "unless the court first finds that all alternative remedies are inadequate," was inapplicable because the only alternative remedy offered to the court required more busing than the remedy adopted by the court. *Id.* at 43, n.70.

## Prospects for the Future: Legislation

The present session of Congress has seen attempts at the passage of further antibusing legislation that are significant not so much because of the nature of the proposed legislation, as because of the support it has gathered. While the House passed the standard Whitten Amendment to the HEW appropriations bill, the Senate, after complex maneuvering, passed an amendment that may be somewhat stronger in prohibiting HEW from imposing desegregation plans that require busing. The most important aspect of the Senate action is that this amendment was sponsored by Senator Biden of Delaware, who has previously voted against antibusing legislation, and it was supported by several other Senators who have previously been opposed to antibusing legislation.[24] The House and the Senate provisions are now being considered by a conference committee.[25]

The Senate has in the past few years been much more reluctant than the House to pass antibusing legislation. The switch of Biden and several other northern liberals to the antibusing position suggests, therefore, that stronger legislation may be forthcoming. It is difficult to imagine, however, what stronger legislation could be passed without raising severe constitutional questions. Still, if a constitutional amendment is to be passed—and I do not believe that one will—then more legislation will probably be forthcoming and a clash with the judiciary may be unavoidable.

## Prospects for the Future: Constitutional Amendments

In the course of considering antibusing legislation over the past few years, Congress has also considered numerous proposals for constitu-

[24] See 33 Cong. Q. Weekly Report 2227 (October 18, 1975); 33 Cong. Q. Weekly Report 2034 (Sept. 27, 1975).

[25] 33 Cong. Q. Weekly Report 2119 (Oct. 4, 1975).

tional amendments. The most prominent proposal has been the amendment offered by Representative Lent.[26] It would prohibit the assignment of students on the basis of race, but the effects of such an amendment are not totally clear. At present, the Senate Judiciary Committee is conducting hearings on a variety of amendment proposals, but there is no indication that any of them is likely to succeed.

Two other developments indicate that an amendment is not likely to be successful. First, President Ford has refused for the present to endorse an antibusing amendment.[27] Second, the House Democratic Caucus recently voted down, by a vote of 172 to 96, a resolution directing Democrats on the Judiciary Committee to send to the House floor within 30 days an amendment "that would guarantee each child the right to attend the primary and secondary schools nearest his own home within his respective school district."[28] This apparently indicates that the two-thirds support necessary to pass a constitutional amendment cannot be mustered at this time. And if this is true in the House, it is even more likely to be true in the Senate.

## HEW

While Congress has been mainly concerned with busing ordered by the courts, legislation has also been directed at the role of HEW in enforcing the 1964 Civil Rights Act by requiring busing. As discussed above, Congress has in recent years routinely attached amendments to HEW appropriations bills prohibiting the use of funds to require busing as part of a desegregation plan. Both the 1972 and 1974 legislation discussed above also seek to prohibit HEW from using its power over Federal funding of local school districts to impose a desegregation plan involving busing upon those school districts.

It is doubtful that any of these congressional actions were really necessary. Since the start of the Nixon administration, HEW's civil rights enforcement effort has been drastically curtailed.[29] This was shown by the case of *Adams v. Richardson*, 356 F.Supp. 92 (D.D.C. 1973), *modified*, 480 F.2d 1159 (D.C. Cir. 1973), where the court found that HEW had failed to meet its responsibility under the 1964 Civil Rights Act to insure desegregation in hundreds of southern

[26] H. R. J. Res. 620, 92d Cong., 2d Sess. (1972).

[27] N. Y. Times, Oct. 29, 1975, p. 36.

[28] N. Y. Times, Nov. 20, 1975, p. 1.

[29] For the early development of this policy, see generally L. Panetta & P. Gall, *Bring Us Together* (1971). A chronology of the Nixon Administration's actions in the area of school desegregation into 1972 can be found in Hearings on the Equal Educational Opportunities Act of 1972 before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, 92d Cong., 2d Sess. at 526 (1972).

school districts. Two years later this case was back in court because HEW was again failing to do more than solicit voluntary desegregation plans. *Adams v. Weinberger*, 391 F.Supp. 269 (D.D.C. 1975). The district court stated that:

> HEW has often delayed too long in ascertaining whether a complaint or other information of racial discrimination constitutes a violation of Title VI. HEW has also frequently failed to commence enforcement proceedings by administrative notice of hearing or any other means authorized by law although the efforts to obtain voluntary compliance have not succeeded during a substantial period of time. *** Apart from the school districts expressly covered by this Court's February 16, 1973 Order, HEW has not initiated a single administrative enforcement proceeding against a southern school district since the issuance of this Court's Order 25 months ago. *Id.* at 273.

An independent study of HEW by the Center for National Policy Review found that HEW enforcement of school desegregation in the North and West over the past 3 years had been extremely lax. Of 84 cases undertaken by HEW since 1964, only four districts had been forced to undergo formal enforcement proceedings, and funds had been cut off in only one district. Fifty-two of these cases remained unresolved as of July 1, 1973, and no enforcement of any kind has been taken in 37 of these 52 cases.[30] This inaction in the North and West resulted in the filing of a suit on July 3, 1975, to compel HEW to act.[31] Perhaps the final evidence of HEW's position was added when the Department claimed that it could not process discrimination complaints because its responsibilities under *Adams*, *supra*, were consuming all of its resources. This claim was made despite the fact that HEW returned $2.6 million unspent to the Federal treasury in the past fiscal year.[32]

## Constitutional Issues

The antibusing legislation that has thus far been enacted presents no significant constitutional issues because it has been explicitly framed to avoid such problems. However, the possibility that the legislation might be more drastic has provoked a fairly large body of legal commentary.[33] While a great deal of uncertainty prevails, some conclusions about the constitutional issues can be drawn.

[30] N. Y. Times, Sept. 6, 1974, p. 34.

[31] N. Y. Times, Aug. 13, 1975, p. 21.

[32] N. Y. Times, Oct. 15, 1975, p. 49.

[33] In addition to the sources cited in footnote 17, see Holmes, Effective Desegregation Without Busing: The Constitutionality of Anti-Injunction Legislation, 7 Urban L. Ann. 141 (1974).

A decision about the constitutionality of antibusing legislation depends largely on the precise nature of the legislation. With that caveat in mind, we can proceed to the two possible bases for such legislation. First, there is the congressional power to control the jurisdiction of the Federal courts under Article III of the Constitution. To evaluate this basis, it must be applied to some specific form of legislation. The most often proposed possibilities are either an unqualified ban on busing orders, as was almost the case with the 1974 legislation, or a removal of Federal court jurisdiction over school desegregation cases.[34]

In the case of legislation that bans busing orders, it is questionable whether such legislation is really jurisdictional regardless of whether or not its language speaks of jurisdiction. It seeks to control the power to grant a particular remedy rather than the power to hear cases involving a particular subject matter.[35] In addition, it seeks to withdraw "jurisdiction" only after the merits have been decided, but it would then prohibit the court from ordering the busing that it had decided was required by the Constitution.[36] This is not constitutionally acceptable. Finally, there is general agreement that a total ban on busing, however characterized, would be unconstitutional since the Supreme Court has indicated, as discussed above, that busing may be an indispensable remedy for the protection of constitutional rights in some cases.[37]

The constitutionality of legislation that seeks to define when busing orders are permissible, rather than to bar such orders altogether, presents more difficult questions. But when it comes to delicate balancing of this sort, it seems clear that jurisdiction is not the issue. Such legislation is more properly considered, therefore, as an exercise of Congress' power to enforce the provisions of the 14th amendment under section 5 of that amendment. This section gives Congress the power to "enforce, by appropriate legislation," the substantive provisions of the amendment. This means that Congress may create remedies for violations of the equal protection clause, including school segregation which violated equal protection. This might appear to give Congress power to control busing as a remedy. However, as noted

[34] For example, bills introduced by Representative (now Senator) William Scott during the 1972 session of Congress were designed to withdraw original Federal jurisdiction from all controversies concerning the public schools. H.R. 12817 & H.R. 13176, 92d. Cong., 2d Sess. (1972).

[35] Holmes, *supra* n.33 at 149 n.52.

[36] Cf. *United States v. Klein*, 80 U.S. [13 Wall.] 128 (1871); see also Note, Breaking the Law: Antibusing Legislation and the Constitution 3 N.Y.U. Rev. L. & Soc. Change 119 (1973).

[37] This point is even conceded by Bork, *supra* n.17, at 16 and Wright, Statement in Hearings, *supra* n.11, at 1631, 1633—two prominent supporters of the constitutionality of President Nixon's antibusing proposals.

above, the remedy of busing is often indispensible for effectuation of the right. And it seems reasonable to believe that in the present political climate, the Federal courts are not likely to order any more busing than appears to be absolutely necessary to protect constitutional rights.[38]

If this is the case, then congressional power to restrict busing would appear to be severely limited unless section 5 gives Congress the power to define the constitutional right and, indeed, the power to dilute that right as it has been previously declared by the courts. Congressional power to enlarge equality is suggested by *Katzenbach v. Morgan*, 384 U.S. 641 (1966), where the Court held that section 5 authorized Congress to define the scope and meaning of the equal protection clause to expand its protection of minority rights beyond judicial interpretations of its direct prohibitions unaided by legislation. In that opinion, *id.* at 651 n.10, and since then[39] the Court had said that this does not give Congress the power to dilute constitutional rights, but the exact scope of the congressional power has remained unclear.[40]

It seems safe to say that section 5 does not authorize Congress to dilute rights independently protected by the guarantees of the Bill of Rights or to construe the due process or equal protection clauses to deny individual rights that turn "on a universal and relatively absolute rule of law not requiring evaluation of the surrounding circumstances or resolution of questions of degree."[41] The best example of a congressional construction of the 14th amendment that would be prohibited is a Federal statute that authorized the States to maintain segregated school systems.[42] Similarly, if busing and other remedies for school segregation are "constitutionally required remedies"[43] and therefore indispensable to the protection of constitutional rights, as suggested in *Swann*, it should follow that prohibition of busing as a remedy would

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[38] In several recent cases the Federal courts have declined to order the busing necessary for the maximum possible desegregation of a school district and have instead approved plans involving less busing and less integration. See N.Y. Times, Aug. 17, 1975, p. 1; N.Y. Times, Oct. 25, 1975, p. 36; *Northcross v. Board of Education*, 489 F.2d 15 (6th Cir. 1973), *cert. denied*, 416 U.S. 962 (1974); *Goss v. Board of Education*, 482 F.2d 1044 (6th Cir. 1973), *cert. denied*, 414 U.S. 1171 (1974); *Mapp v. Board of Education*, 477 F.2d 851 (6th Cir.), *cert. denied*, 414 U.S. 1022 (1973).

[39] *Oregon v. Mitchell*, 400 U.S. 112, 128-29 (1970); *Shapiro v. Thompson*, 394 U.S. 618 (1969).

[40] For commentary, see Cohen, Congressional Power to Interpret Due Process and Equal Protection, 27 Stan. L. Rev. 603 (1975); Cox, The Role of Congress in Constitutional Determinations, 40 U. Cinn. L. Rev. 199 (1971); Burt, Miranda and Title II: A Morganatic Marriage, 1969 Sup. Ct. Rev. 81.

[41] Cox, *supra* n.40, at 254; Cohen, *supra* n.40, at 614-15.

[42] *Katzenbach v. Morgan*, 384 U.S. 641, 651 n. 10 (1966); Cox, *supra* n.40, at 254.

[43] Cohen, *supra* n.40, at 615.

be invalid. That does not necessarily prohibit all regulation of busing as a remedy for segregated schools. There must be some play in the joints, in which Congress could legitimately differ with the past practices of the Federal courts regarding relief without going so far as to deny the power to order constitutionally necessary remedies.

Archibald Cox argues that *Green* and *Swann* dealt with "remedies for constitutional violations rather than basic constitutional commands."[44] Relying on this distinction he advances the view that Congress could prescribe remedies for segregation "including busing for a maximum distance or maximum time," and he believes that it is "irrelevant whether the relief is greater or lesser than the courts would order. In either event, the relief is not part of the Constitution."[45]

It may not be that simple. Congress almost certainly could not constitutionally ban all busing, but the measures short of this that would violate the Constitution are difficult to delineate. A carefully drawn statute based upon findings derived from believable evidence of the adverse effects of busing on health or education might pass constitutional muster if it left room for the courts to vary its application in diverse fact situations. Such a statute, if drawn in good faith and not as a disingenuous attempt to maintain segregation, might even be welcomed by hard-pressed judges. This standard would probably not be satisfied by the current congressional approach of limiting busing to the school closest or next closest to the student's home, but it is difficult to be more precise about what would or would not be constitutional.

A withdrawal of Federal court jurisdiction over school desegregation cases or all public school cases is another matter and could only be justified, if at all, under Article III. In considering such legislation, it is necessary to separate the issue of control over the Supreme Court's jurisdiction from the issue of control over the jurisdiction of the lower Federal courts. First, as to the lower courts, dicta in several Supreme Court cases[46] and a leading analysis of the history of the Constitutional Convention[47] suggest that Congress has plenary power over the lower Federal courts and could entirely abolish those courts. From this, some argue that the withdrawal of lower court jurisdiction over a particular class of cases is a lesser included power, particularly since constitutional rights could still be vindicated in the State courts with review

[44] Cox, *supra* n.40, at 258.

[45] *Id.* at 259.

[46] See, e.g., *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971); *Sheldon v. Sill*, 49 U.S. [8 How.] 441 (1850).

[47] P. Bator, P. Mishkin, D. Shapiro & H. Wechsler, *Hart & Wechsler's The Federal Courts and the Federal System* 11-12 (2d ed. 1973).

in the Supreme Court. But surely, at the very minimum, improper intent to restrict constitutional rights could be a basis for challenging selective withdrawal of jurisdiction.[48]

Moreover, the thesis that Congress has the power to abolish the lower Federal courts has been doubted.[49] The argument is that the Constitutional Convention sought to assure that a Federal court would always be available to decide constitutional issues; that the Supreme Court was largely able to fulfill this function for all Federal issues until the mid-nineteenth century; that since general Federal-question jurisdiction was granted to the lower courts in 1875, those courts have become indispensable in fulfilling the role the Supreme Court is no longer capable of meeting alone; and that it is therefore no longer reasonable to assert that Congress has the power to abolish the lower Federal courts. Similarly, it is argued that Congress also lacks the power to withdraw jurisdiction from the lower courts over a particular class of constitutional issues, since the responsibility to decide those issues was given to the Federal judiciary and cannot be entrusted to State court action with Supreme Court review.[50]

This argument is particularly strong in the case of school desegregation. The importance of the role that the lower Federal courts have played in the development of school desegregation law is confirmed by Judge McGowan:[51]

> The promulgation of those principles [announced in *Brown v. Board of Education*] would have provided an infinitely more daunting prospect in the absence of the machinery provided by the inferior federal courts. Their performance in the discharge of this difficult task has been less than even, but is it conceivable that the job could have been entrusted entirely to the state courts, bearing in mind the differences in loyalties and the vulnerability to local pressures inherent in an elective system of judges? The federal judges themselves have, even with the security provided them by the Constitution, found the going hard. It is not fanciful to think that it would have been too much for unsheltered state judges***. Certainly it would have been hard to ask them to risk such an exposure with so few shields.

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[48] It is possible that an argument based on an allegation of an improper intent to restrict constitutional rights could be used to challenge legislation withdrawing jurisdiction over school desegregation cases. See Ely, Legislative and Administrative Motivation in Constitutional Law, 79 Yale L.J. 1205, 1306–08 (1970).

[49] Eisenberg, Congressional Authority to Restrict Lower Federal Court Jurisdiction, 83 Yale L.J. 498, 500–13 (1974).

[50] *Id.* at 521.

[51] C. McGowan, *The Organization of Judicial Power in the United States* 16 (1969).

This argument is reinforced by those who say that Congress may not interfere with the performance of any judicial function that is central to the constitutional role of the Federal courts. Separation of powers requires no less. Fortunately, it is unlikely that such legislation will be enacted since, in withdrawing jurisdiction over all school desegregation cases rather than just prohibiting busing orders, the legislation would probably be too broad and too apparently racist to gather majority support.

The same bottom line also applies to control over the Supreme Court's appellate jurisdiction. Any argument for such power must rely primarily on the dubious precedent of *Ex Parte McCardle*, 7 Wall. 506 (1896). Such legislation would be directly in conflict with the proposition advanced by several commentators that the framers intended the Supreme Court to have power to make uniform Federal law and that withdrawal of this power in any class of cases is therefore improper.[52] Even Robert Bork, who helped draft and supported the Nixon bills, agrees that Congress lacks this power.[53]

MR. MCKAY. So, Mr. Chairman, I conclude with an expression of pleasure that you are undertaking this important and immensely difficult subject. The task you undertake is vital to the welfare of the Nation.

CHAIRMAN FLEMMING. Thank you very much, Dean McKay. May I express our appreciation for your very significant contribution to our deliberations.

Commissioner Freeman.

COMMISSIONER FREEMAN. Dr. McKay, I also want to restate my appreciation for your excellent brief. I have a concern with respect not only to the constitutional questions here, but going to the *de facto* segregation and the fact that segregation is one of the major issues of this country.

With respect to busing, busing for desegregation purposes takes about 4 percent of the total busing that goes every day. That means the rest of the busing is for issues not related to desegregation at all.

The concern is that where that has become such an issue nationally, if there is the amendment, if there is the backtracking, it seems to me

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[52] See, e.g., Hart, The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic, 66 Harv. L. Rev. 1362 (1953); Ratner, Congressional Power Over the Appellate Jurisdiction of the Supreme Court, 109 U.Pa.L.Rev. 157, 201-02 (1960).

[53] Bork, *supra* n.17, at 7.

that we are really talking about an issue that is a tip of the iceberg because, if we eliminate busing for desegregation purposes, and the persons opposed to busing are also opposed to desegregation, then that will be one way in which we will cut back on the civil rights of minorities. Next will be the elimination of any enforcement of desegregation in housing, any enforcement of desegregation with respect to voting. And I am disturbed that the mood of this country may be propelled to going back to where, even when the Declaration of Independence was adopted, where it was declared that all men were created equal. They were not talking about the slaves. They were not talking about the women.

I am wondering if you would comment on this, because it seems to me that we are on a pendulum that is going back, and that this is just the tip of the iceberg.

MR. MCKAY. I very much share your concern about the public reaction to the issue of busing.

When you say that only 4 percent of the busing is used for desegregation, that is more than I thought. I understood it was only 2 percent.

But in any event it is a small proportion of the total. Nearly one-half of all the children in the United States are bused to some extent. It has been a long-accepted pattern, and thus we know that the emotional reaction to busing to promote desegregation is only symbolic. It is for that reason that I think it is particularly important to resist the efforts to curb busing. This may not be the central issue in school desegregation, but it is central to the reaction of the public as a whole.

What I think is particularly unfortunate is that there has been a failure of leadership on the subject. Only in a very few years, since 1954, have we had strong leadership in favor of school desegregation in the executive and legislative branches. When there is no such leadership at the top, it becomes very difficult for school boards, for community leaders, even for Federal judges, to resist that trend. Accordingly, I think it becomes most important to reinstitute the notion of responsibility on the part of those who have high authority in this country. It is in that respect that I am particularly hopeful that this Commission will take a strong stand to persuade others of the moral and constitutional rightness of the issue.

COMMISSIONER FREEMAN. How do we do this?

MR. MCKAY. I think the first thing is to make it clear that this is but a symbolic issue, that busing is not really the center of it at all; that there are more fundamental values at issue; and that until school desegregation is accomplished in this country, we cannot move on to the accomplishment of other goals that all accept.

I believe school desegregation is closely related to the problems of the decline of the cities because a racism problem is at issue there as well. I believe school desegregation is closely related to the failure of the criminal justice issue. In each of those areas, intelligent leadership in this country knows essentially what should be done, but, because of our lack of moral courage, we fail to face up to the hard emotional issues. I give to you the task of turning the country around.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Ruiz.

COMMISSIONER RUIZ. I want to congratulate you, counsel. I thought that was a terrific brief.

You set forth excellently, near the end of the report, in five words—really, four words—the separation of powers. If the separation of powers concept were made ineffective by some type of inconceivable legislation, wouldn't that destroy the Constitution?

MR. MCKAY. Yes, sir. I am a great believer in the separation of powers. It seems to me, if I understand the thrust of your question correctly, that it is very important that the courts retain their authority to define and defend the Constitution against intrusions by Presidents, as we have seen in recent years, or by Congress, as we have seen from time to time.

COMMISSIONER RUIZ. In response to my colleague's question about what we, the Commission, might be able to do, do you think it would be a good idea that this special issue and the destructive result of what would occur with relation to the destruction and destroying of the separation of powers be brought to the attention of the people of the United States?

MR. MCKAY. Yes, sir, I most emphatically do. Without any derogation of the other important issues on your agenda—and I know there are many and they are very vital to the country—in my judgment, this takes precedence over all the others.

COMMISSIONER RUIZ. Because there are many people in the United States that have renewed confidence in the courts now, although they have lost some confidence in the Congress, I wanted your reaction to that particular phase because I think it is very important, it is very "gutty," as you expressed it there in four words. Perhaps that is one thing we can cue in on. Thank you.

MR. MCKAY. Yes, sir.

We impose what seems to be an almost intolerable burden on the Federal courts which have carried the banner magnificently, in my judgment. But for them to be required to carry the load almost alone, without the assistance of the other branches of government and without the assistance of the public, is ultimately destructive of those

judgments. You all know the stories about the villification of judges, North and South, who have courageously done what the Constitution, in my opinion, requires them to do.

CHAIRMAN FLEMMING. Mr. Saltzman.

COMMISSIONER SALTZMAN. I am not a lawyer, Dr. McKay. I want to thank you as a layman in this field because I think your brief has been most helpful to me.

I gather it is the implication of the brief that the desegregation of schools is not an issue as relevant to the quality of education, or even other social concerns, as it is really basically and fundamentally a constitutional issue.

MR. MCKAY. Yes, sir.

COMMISSIONER SALTZMAN. Would you respond to the thought that the courts are the wrong or least-effective instruments for achieving school desegregation?

MR. MCKAY. I wouldn't say they are the least effective. The truth is that they have been the only effective instrument so far. I agree with you that they are not the best to do it.

COMMISSIONER SALTZMAN. That is not my statement.

MR. MCKAY. I understand. I do not mean to challenge you.

The fact is that matters of high social policy of this character should be worked out by the legislative and executive branches working in cooperation. We have been denied the luxury of doing it the best way, and the courts have been the only instrument to do it at all.

While we have not succeeded by any means in the objectives of *Brown v. the Board of Education*, enormous changes have come in our society, not only in the schools, but in employment, recreation, access to housing, everything that I believe would not have been available had there not been a *Brown* decision in 1954.

COMMISSIONER SALTZMAN. Thank you.

CHAIRMAN FLEMMING. Commissioner Horn.

VICE CHAIRMAN HORN. I wonder if you could tell me how Congress can constitutionally limit a Federal official in HEW, who takes an oath of office to support the Constitution of the United States, from enforcing desegregation to the next nearest school and then not be able to limit the courts to such a standard.

MR. MCKAY. Let me say first that I think an argument can be mounted that Congress may not even have the authority to limit an official of HEW who has, as you say, taken the constitutional oath to uphold the Constitution.

But that is certainly a different issue in character. I think, than congressional restriction of the Federal courts. The separation of powers doctrine does not have exactly the same bite when Congress tells

members of the executive department how they can spend funds appropriated by Congress as it does when it seeks to tell the Federal courts how they may conduct their business as to which they have a constitutional mandate.

In short, the executive branches are not as free of congressional restrictions as are the courts. But I think a very interesting argument can be made along the lines that Congress at least should not, and perhaps cannot, interfere with the power of Federal officials to do that which they see as their constitutional duty in the use of funds appropriated to them.

VICE CHAIRMAN HORN. Suppose the Federal court in 1971 in the Charlotte *Swann* case had said that busing must be used to achieve racial balance, and Congress had come in with what the actual court decision was in 1971, that we are not talking about the achievement of racial balance but desegregation of the schools, and that we are not precluded from looking at population statistics in making a judgment as to whether schools have been effectively desegregated. Would that have been appropriate for the Congress to do?

MR. MCKAY. If the Court had taken the affirmative position that it was necessary to achieve desegregation everywhere—I take it you are talking about *de facto* as well as *de jure* segregation?

VICE CHAIRMAN HORN. Although this was a *de jure* case. But, let us just limit it to the 1971 case, or include both.

MR. MCKAY. What it actually held, or what it might have held?

VICE CHAIRMAN HORN. If it had held beyond what it held, could Congress have then come in and in passing a law set a standard that was equivalent to the 1971 standard actually set by the Court, and would that have been an intrusion by the Congress on judicial power?

MR. MCKAY. If the Court had said that it was constitutionally required by the equal protection of the laws clause not only to prohibit certain action, but affirmatively to require certain action, then Congress presumptively would have been unable to overturn that.

VICE CHAIRMAN HORN. You are saying the only option the Congress has to limit the remedies of the Court in essence is the constitutional amendment?

MR. MCKAY. Not quite. The Court did say in the *Swann* case that health factors and educational factors might be taken into account in busing remedies. That's why I suggested if there is a carefully and genuinely concerned statute drawn to take those factors into account, that is consistent.

VICE CHAIRMAN HORN. You just admitted the Court could have gone beyond that and there wouldn't have been much Congress could have done if the Court had gone beyond that, except for a constitutional amendment.

MR. MCKAY. We are protected against that by the Court not taking unreasonable or irrational positions.

VICE CHAIRMAN HORN. We hope. "Who watches the guardians?" as Plato would put it.

MR. MCKAY. The authority I think ordinarily does not go very far beyond the public sentiment. In only two cases, as you look at the amendments to the Constitution, has there been an amendment designed to overturn a decision of the Supreme Court; the 16th amendment relating to income taxes and the 19th amendment relating to right to vote. Those were cases where the Supreme Court may well have made a mistake.

But, in all the other areas in which some members of the community have thought the Court had gone too far, Supreme Court rulings have proved resistant to constitutional amendment. The reason, in my opinion, is that the Court did not go beyond a reasonable and rational interpretation.

VICE CHAIRMAN HORN. In light of my colleagues' previous comments, I would say this is a government not simply of separation of powers; but, as we all know, it is a government also of checks and balances. The question is: Is there an appropriate check to any use of judicial power, beyond a constitutional amendment?

MR. MCKAY. If it is a decision squarely grounded on the Constitution and where the Court makes it clear what the constitutional core of the decision is, I would answer that only a constitutional amendment could turn it around.

CHAIRMAN FLEMMING. If I could just follow upon that, as I am very much interested in your comment in your paper you have just summarized, to the effect that conceivably it would be possible for the Congress, after taking evidence, to develop standards or guidelines which would govern transportation of pupils.

Is it true, however, that no matter how carefully they might draw those standards, that a Federal district court judge with a particular set of facts in front of him could decide that by adhering to one particular standard he would be denying the constitutional rights of the parties before him?

MR. MCKAY. Yes, sir. I think that would be his duty, to examine any standards given by Congress to make sure that there was not a denial of a constitutionally-guaranteed equal protection.

CHAIRMAN FLEMMING. Up to the present time, a number of times the Congress has included language that in effect recognizes this duty.

MR. MCKAY. Yes, sir.

CHAIRMAN FLEMMING. That has been included as an amendment to this so-called antibusing legislation. I am glad they put in such an amendment.

MR. MCKAY. Yes, sir.

CHAIRMAN FLEMMING. But it seems to me, whether it is in there or isn't in there, the same would apply as far as a district court judge is concerned when confronted with the facts of a particular case.

MR. MCKAY. In a way it is kind of a cheap shot for Congress to say on the one hand, busing is prohibited, except so and so, then to say, of course we don't mean to interfere with constitutional rights. Thus, they can play upon public emotions and report to the constituents this great thing they have done while making sure they aren't going to be reversed by the Supreme Court because they haven't said anything.

CHAIRMAN FLEMMING. Again, thank you very much for this presentation.

[Applause.]

I would like to say this. I didn't say it at the beginning of the hearing, but there are more here now than were here at the beginning.

In light of your comment in response to Commissioner Freeman's question, this Commission has decided to give this issue the highest priority.

MR. MCKAY. I am delighted.

CHAIRMAN FLEMMING. We are going to devote considerable amount of our time and resources over a period of the next few months to exploring the various issues that are tied in with this overall issue. We hope to be in a position by August to put out what we probably will refer to as the state of the union document dealing with the issue of desegregation and including our own findings and recommendations based on public consultations of this kind, staff work undertaken by our staff, and other public hearings similar to the one we held in Boston.

So, we are delighted to be in a position where we can say we agree with you wholeheartedly.

We are in recess now until 1:00 o'clock. We are going to try very hard to start at 1:00 because we have a very full agenda for the afternoon.

I have been asked to call your attention to the fact that, as I understand it, there is a considerable number of Commission publications just outside of the auditorium, which we invite you to examine and utilize in any way you seee fit.

[Recess.]

## Afternoon Session

CHAIRMAN FLEMMING. I will ask the meeting to come to order.

I think everyone here has a copy of the agenda for the afternoon. I would like to indicate how we are going to proceed. Dr. Coleman will present a summary of his paper. Then Dr. Green will follow immediately afterwards to present his paper, or a summary of his paper. When Dr. Coleman and Dr. Green have finished, members of the Commission will have some questions that they will want to address to both of them. Then, after that, we will introduce the panel consisting of Dr. Wolf and Dr. Epps and they will be reacting to what has happened up to that particular point in their own way. Then when they have finished reacting, the members of the Commission may very well want to address some questions to them. Then you will notice that a summary, a synthesis, is to be presented by Mr. Francis Keppel, former Commissioner of Education, now with the Aspen Institute.

We appreciate very, very much the willingness on the part of all the participants to meet with us in connection with this consultation and to share with us their respective points of view.

At this point, I am very happy to present to the Commission and to those who are listening in on this consultation, Dr. James Coleman, professor of sociology at the University of Chicago. Dr. Coleman.

## STATEMENT OF JAMES S. COLEMAN, PROFESSOR OF SOCIOLOGY, UNIVERSITY OF CHICAGO

DR. COLEMAN. Thank you very much, Commissioner Flemming.

What I would like to do this afternoon is to summarize the work which I have carried out with Sara Kelly and John Moore, two colleagues of mine. The principal question which I would like to focus attention on is the question of possible effects of school desegregation on the loss of white children from central school systems in large cities. Before I do this, however, I would like to say something briefly about some trends in racial segregation in schools between 1968 and 1973.

I am not certain that the order of this session is entirely appropriate because, in fact, Mr. Green's paper is mostly about me; my paper is mostly about school desegregation. I think he and I differ on two issues. We differ both with regard to what the facts of the matter are and with regard to what are appropriate avenues of carrying out school desegregation and carrying out affirmative integration of schools. However, I think it is possible to proceed this way, so I will go ahead and do so.

First of all, if we look between 1968 and 1972, we find that there was enormous variation between regions in the degree to which there was desegregation, the degree to which there was any reduction in segregation.

In particular, the Southeast region of the country shifted from the most segregated in the country to the least segregated. Several other regions, in particular the West-South Central region, Mountain and Pacific region—the last two of which don't have many blacks in them and, therefore, are not as important from the view of the average black in this country—nevertheless, did show significant declines in the degree of segregation within the schools of their districts. Other regions, however, showed almost no decline, or in some cases no decline at all.

There is a second feature that occurred in this period. It was that desegregation was much greater in small districts than in large districts. This was true partly because of the fact that most desegregation took place in the Southeast, and the principal small districts in which there were many blacks are in the South. But even within the Southeast desegregation was more pronounced in smaller districts. If any of you have a copy of the paper, you can see on table 2 that this is the case.

Now, the fact that even in the Southeast, where the principal desegregation occurred throughout the country, there was more pronounced desegregation in the small districts than in the large districts suggests that segregation itself is a different phenomenon in the large cities than in the smaller districts and it is more resistant to desegregation policies.

In addition to what was happening within districts, and everything I have talked about so far is segregation within districts, there were also changes in the degree of segregation between districts. Now this is a different form of segregation. It is segregation as a result of people residing in different school districts. Now, in contrast to the trend in reduced segregation that was occurring within school districts, especially the Southeast but in some other regions of the country as well, there was an opposing trend in the segregation of white and black children among school districts.

In almost every region of the country, if you look at table 3, there was an increase in the degree of segregation between school districts from 1968 to 1972. That increase is an increase which in effect results from different residence of blacks and whites in 1972 and 1968; and, from what we know about demographic changes and demographic patterns, that different residence is primarily due to shifts in the white population from central cities to suburbs. As the Census Bureau has pointed out, such shifts have been responsible for the major changes in central-city composition in recent years.

This combination of the increase in segregation between school districts and decrease in segregation within districts means that the segregation between districts within a region is greater than that within

districts in three of the nine regions in 1972, while it was greater in no region in 1968. Consequently, we can say that the form of segregation that arises through residential segregation of blacks and whites into different districts has increased throughout the country at the same time that the form of segregation that exists within districts has been reduced, although that reduction has been primarily in the South.

This increase in between-district segregation at the same time that there is in some regions reduced segregation within the district raises a question about a possible causal connection between the two. That is what I want to turn to next and that is what the area of principal controversy is over. That is, did desegregation within central school districts during this period lead to a loss of white children from these central-city districts which has the result of separating black and white children into separate school districts? In other words, did desegregation in central-city school districts lead to a loss of white children that brought about segregation or helped bring about segregation between districts?

Now it is clear that the loss of white children from central-city schools was occurring before any desegregation, independent of it. It has occurred in those cities where no desegregation occurred as well as those where it did occur. What I would like to ask is whether this loss of whites from the central-city school is accelerated when substantial desegregation takes place. It is to that question I would like to direct your attention.

To answer that question involves a number of complications. One of the complications is that most desegregation in this period took place in the South, so that, except as there was a similar response in those few places in the North that did desegregate, the generalization of results to northern cities must remain a question. This is true principally in medium-sized cities because there were few northern large cities which did desegregate. Secondly, a second complicating factor is that there was a general loss during this time of whites from central cities, a loss which preliminary analysis indicates is greater as the size of the city is greater and as the proportion of blacks in the city is greater.

Third is the fact that the available data don't really show movement. All they do is show student populations traced for each of the 6 years we traced, from 1968 to 1973, in each school district and each school in each school district. This isn't the same as movement, though something about movement can be inferred from these measures. This is the kind of data which almost all studies, although not *all* studies, of possible loss of whites from desegregating districts have used.

And the final complicating question is that, if there is a loss of whites when desegregation occurs, it is not clear what the time progression of this loss is. The question is, when does it begin? Does it continue? Does it accelerate as the proportion of whites in the schools declines, or is it a one-time response which does not continue once the degree of desegregation is constant? Or does it in fact reverse itself with whites returning to the district schools a year or so after they have desegregated?

Desegregation in smaller districts took place primarily in 1970, in the fall of 1970 in the South, but desegregation in larger cities, particularly in the North, has taken place all the way up to this fall.

Now, despite difficulties, and there are difficulties which have faced everyone who has attempted to answer these kinds of questions, what I have attempted to do is to answer the question insofar as possible of whether desegregation of the central city affects the loss of whites from that central city. I have tried to do so through a number of means, and I will describe a few of them. First of all, recognizing the fact that the loss of whites from central cities depends upon their size, recognizing the fact that the loss of whites from central cities is highly related to the proportion of blacks in the central cities, whatever that proportion is a surrogate for, it is possible then to attempt to control for those two factors and to ask when we look at cities which are comparable with regard to those two factors, what is the apparent affect of school desegregation?

Now, what we have done is to separate the cities into two groups. One is 21 of the 23 largest central-city districts in the country. I am sure this will come up as a point of contention because I notice in Mr. Green's paper that a great deal of issue was made over this. I an not quite sure why because Mr. Pettigrew, as coauthor, understood from the very outset what our criteria of selection were; and, in fact, the set of schools was expanded at Mr. Pettigrew's suggestion to include a slightly larger set of schools which included more Northern desegregation experience. This led to moving from the 20 largest to the 23 largest central-city districts, to allow inclusion of two cities, Denver and San Francisco, which had undergone some degree of desegregation.

Criteria which were used for selecting these districts were all school districts which were classified as central-city school districts by the United States Office of Education. We took the first 23 of those school districts, eliminated Albuquerque (which in any case makes little difference to our results) because it was not one of the top 50 cities in size of city. And we eliminated Washington because it is racially homogeneous.

In addition, we examined the next 46 cities, essentially dividing the first 70 cities into two groups. The first set of cities included cities which were over about 90,000 in the early years, although they were smaller than that in the later years, and then the next set of cities were those which were among the first 70, but smaller than that.

The question then in these two groups of cities, what was the apparent effect of school desegregation upon loss of whites?

Now, in the paper, those apparent effects are stated.

First of all, that there is an additional loss of whites from the central city, beyond what would exist in the absence of any blacks in the central city. There is an additional loss of 6.8 percent of whites in the largest cities and 4.5 percent of whites in the smaller cities when the city is 50 percent black. I should reemphasize that the proportion of blacks in the cities is a surrogate, as a number of these studies and Mr. Green mentions as well, for a number of factors which characterize something about the age of the city and other matters.

Now the question is, what additional loss occurs if the city experiences a decrease in the index of segregation (which is our measure of the degree of desegregation) of two-tenths. This is not a large decrease in the sense that full-scale racial balance in most of these cities would constitute a decrease of six-tenths to eight-tenths in that index. A decrease of two-tenths is predicted for the largest 21 cities to bring about an additional loss of 5.5 percent of whites in the largest cities and of only 1.1 percent of whites in the smaller cities.

Then there is a small effect of the size of the city in addition. The end result of this is that in the largest cities there is in the year of desegregation, according to our analysis, a significant impact upon the loss of whites from the central city which would, in a city which is 50 percent black, just about double the loss of whites in that city in that year.

This is not the case in the smaller cities; not that there is no predicted loss, but the predicted loss is considerably less. The question is, however, whether this is a phenomenon which is similar from city to city, and it is very clear that it isn't. When we were looking at different cities it was clear that, for example, desegregation in Florida was metropolitan-wide because the school districts in Florida are county-wide districts, and desegregation in Florida also was desegregation in systems which were predominantly white.

Some initial exploratory analysis showed us that both factors—that is, the existence of white suburbs outside the central-city district, and the proportion of blacks in the city—affected the degree to which desegregation brought about a loss of whites, at least according to our analysis.

I would like to direct your attention, then, to the results of the analysis for the two sets of cities. These results are very similar for the two sets of cities but are more pronounced in the largest cities. I will have to explain a little bit about how to read these results.

The results in both of these tables indicate the percentage of whites that would be expected to be lost, the percentage decline in whites in the central city in the year of desegregation, as a function of two things: the proportion of blacks in the central city schools, which is what you see along the top line, going from .25 to .75, and the degree of between-district segregation which you see along the left, which goes from zero to four-tenths.

What do I mean by between-district segregation? Essentially what that means is the degree to which there exists predominantly white suburbs outside the district which is desegregating, outside the central city. Typical values of between-district segregation range between two-tenths and six-tenths. For example, in Chicago, .48; New York, .34; in Detroit, .57. This was in 1972 which is the last year for which we have figures.

So in typical northern cities, it ranges ordinarily between two- and three-tenths, and six-tenths. The proportion black ranges quite widely in the cities. In a city such as Tampa, which did carry out desegregation, but which had no between-district segregation in the metropolitan area because it consisted of two counties which have almost identical proportions black and the desegregation was county-wide, in a district which has zero between-district segregation and 25 percent black in the district, then the experience of these cities over the years 1968 to 1973 would predict only a 2 percent loss, that there would be only a 2 precent drop in the proportion of whites in the district.

That is the upper left-hand figures in the table. On the other hand, the other extreme (although this isn't an extreme because, as I said, in Detroit the between-district segregation is .57 rather than .4), for a between-district segregation of .4 and proportion black of .75 (which is in fact what the proportion black is in Detroit), then the expected percentage of white loss in that year of desegregation would be 30 percent.

The same results are evident on the right-hand table for the smaller cities, except smaller in magnitude. That is, the same direction of effects and the same general character of effects. What this suggests is that the effect is not wholly desegregation in itself, but it is desegregation in conjunction with these two other factors, the proportion black in the city's schools and the availability of predominantly white suburban districts.

This is desegregation in a system which has a high proportion black and in a system in which there are available white suburbs for whites to move to. If there are no available white suburbs, then the predicted loss is given by the first line. This would be the the situation, for example, in the Florida districts which desegregated, and in a number of others in the South because southern school districts tend to be county-wide rather than city-wide or township-wide as they tend more often to be in the North. This, I think, is an extremely important specification of the results because it indicates the conditions under which, according to at least my analysis, desegregation does have a negative impact on the degree of contact between, or let me put it differently, upon the degree of residence of blacks and whites in the same school district.

Now, the next question that can be addressed is the question whether there is a one-time effect or not a one-time effect. And as best we can determine, though I said this is a most difficult thing to determine because much of the desegregation occurred in 1973, which is our last year, or in 1972, which is the next-to-last year, it is a one-time loss rather than a continued loss.

So if we were attempting to carry out policies which did not separate blacks and whites in the sense of leading whites to move into the suburbs more than they currently are, then we ask the question, what is long-term impact? According to equation one, which is the first results I described to you, there is a 3 percent difference in the proportion black in the central city the first year after desegregation and that 3 percent follows all the way through.

According to the more complete results, ones which I described to you just now, showing the effect of the existence of white suburbs and the effect of the proportion black in the city, the effect of desegregation according to our analysis is more substantial in the sense that the proportion black has increased in the first year from .5 to .58, whereas without desegregation it is only increased to .51, which is a 7 percent difference.

That 7 percent difference magnifies to a 10 percent difference after 10 years. The important point is that most of the effect is contained in the first year. That's due to the fact that, as far as our analysis can tell, the white loss effect of school desegregation is a 1-year effect. It may not be, and I think it is very important to determine whether this is the case, because if it is not the case, then these figures would show a very different set of results, that is, much more extensive long-term effects of desegregation.

I should emphasize one thing else in addition, that these projections are figures for a hypothetical city with particular initial proportion

black, all white suburbs, and so on. However, if we do look at some cities which are not hypothetical and ask a question of what the predictions in this case would be for full-scale desegregation in some of those cities—for example, Detroit. Last summer in Detroit there was a school desegregation case pending. The plaintiffs' plan for school desegregation consisted of full-scale racial balance. That was a city in which the degree of segregation was .64, in 1972, and in which the between-district segregation was .57 and in which the proportion black was .75.

Now, in that, under those conditions, the first-year effect is a very overwhelming effect. In other words, under extreme conditions where the between-district segregation is very high, as in Detroit, and the proportion black in the city is very high, according to these predictions in the absence of desegregation, there would be an increase from .75 to .77 in the proportion black, which is about the increase Detroit has experienced per year over the last few years.

In the presence of full-scale desegregation (which the judge incidentally did not rule in favor of), it would have gone from .75 to .94 in 1 year. So that the important point about the difference between these different conditions is that the effect of desegregation in a central city so far as we can determine from our analysis differs very sharply as a function of these two things, as a function of the proportion black in the schools of the city which is desegregating, and as a function of the difference between the proportion black in the central city and suburbs; that is, the availability of white suburbs for one to move to.

Let me draw your attention to one other thing before I close, and that is if you look at table 10 it indicates that the degree of impact of desegregation, according to our estimates, in different cities is strikingly different.

As Mr. Green and Mr. Pettigrew point out in their paper, it is most striking in Memphis and Atlanta. There are two cities which show a gain at the time of desegregation. As I point out in the footnote, these were two of the cities in which there was annexation at the time of desegregation, so it may well be that that appparent gain is a function of the annexation.

But if you notice in many of the other cities, in the other cities there are wide variations. That is, variations from 2.6 percent as an estimated effect of desegregation of two-tenths in Tampa, to 16.7 percent in Atlanta, with an average of 5.2 percent. So the variation is really quite great, and the variation is a function, as I said, of the histories of particular cities, the characteristics of particular cities, and characteristics of the particular desegregation plan.

I would like to conclude by saying that this leads me to the following conclusion. That the emerging problem with regard to school desegregation is the problem of desegregation between central city and suburbs. In addition, it leads me to the conclusion that the current means by which schools are being desegregated are intensifying that problem rather than reducing it. That the emerging problem of school desegregation in large cities, I believe, is a problem of metropolitan-area residential segregation, black central cities and white suburbs, brought about by a loss of whites from central cities. This loss is intensified by extensive school desegregation in the central cities, but in cities with a high proportion of whites and predominantly white suburbs it proceeds at a relatively rapid rate with or without desegregation.

Thank you.

[The complete paper follows.]

## School Desegregation and Loss of Whites from Large Central-City School Districts*

By James S. Coleman

The analysis of this paper is directed primarily to the question of the effect of school desegregation on loss of white children from large central-city school systems. Before addressing this question, however, I will examine briefly trends in racial segregation in the schools within the same district, and then segregation of black and white children among different school districts.

### *Trends in Segregation Within Districts*

There are several salient features of the trends in school segregation over the country between 1968 and 1972. First is the enormous variation among regions. In the Southeast, the fall of 1970 saw probably the single most extensive change in school organization in the history of American education. The school districts of the region shifted from the *most* segregated in the Nation to the *least*.

In several other regions, there were reductions in segregation less extensive than in the Southeast, although the only other changes affecting many black children were in the Southwest. Throughout the parts

* The analysis in this paper is taken from James S. Coleman, Sara D. Kelly, and John A. Moore, "Trends in School Segregation, 1968–73," Washington, D.C.: The Urban Institute, 1975. The data are taken from annual reports by all school districts in the country to the Office for Civil Rights of HEW on the racial composition of each school in the district.

of the North where most blacks lived, there was little or no reduction in segregation over this period. Table 1 summarizes these changes—and the absence of changes—for each of the regions.

As the table shows, there was very little change in segregation in the North and Midwest, during this period of remarkable change in the South.

A second principal feature of the desegregation that occurred during this period was that it took place to a much greater extent in small districts than in large ones. This was in part because nearly all the small districts in which there are many blacks are in the South, where nearly all the desegregation took place, but in part because *even* in the South, the desegregation was more pronounced in the smaller districts. Table 2 shows well the differential reduction of segregation in this period both in the U.S. as a whole and in the Southeast, where desegregation was most pronounced. The smaller districts, which outside the Southeast were the least segregated already, showed greatest reduction in segregation, while the largest districts, over 100,000 in size (of which there are about 20 in the country as a whole) which were already the most segregated, showed least reduction in segregation. Between 1968 and 1973, of the 22 largest central-city districts, only 5 showed a reduction of segregation of more than 0.3 (Memphis, Tampa, Atlanta, Denver, and San Francisco), while 6 showed a reduction of less than 0.1, and 6 showed slight *increases* in segregation (New York, Chicago, Philadelphia, Cleveland, St. Louis, and Boston). These results suggest that segregation is a very different phenomenon in the large cities than in smaller districts, and is much more resistant to desegregation policies.

All of this, however, refers to matters of school desegregation *within* districts. Although nearly all desegregation policy has been limited to reassignment of children among schools within a district, the actual presence of black and white children in the same school depends not only on such assignment within districts, but also upon the presence of black and white children in the same districts. Consequently, what is necessary to get a more complete view of what has happened over this period is to examine changes in segregation between districts as well as the segregation within districts. It is to this between-district segregation that I now turn.

## *Trends in Segregation Between Districts*

At the same time that school desegregation was occurring in many school districts of the country, an opposing trend was occurring in the segregation of white and black children among school districts. There

**Table 1*#**
**Segregation within school districts in 1968 and 1972 in the U.S. and each region**

| *Region* | *1968* | *1972* | *Change* |
|---|---|---|---|
| United States | .63 | .37 | -.26 |
| New England | .35 | .33 | -.02 |
| Middle Atlantic | .43 | .43 | -.00 |
| Border | .48 | .44 | -.04 |
| Southeast | .75 | .19 | -.56 |
| West South Central | .69 | .48 | -.21 |
| East North Central | .58 | .57 | -.01 |
| West North Central | .61 | .56 | -.05 |
| Mountain | .49 | .25 | -.24 |
| Pacific | .56 | .42 | -.14 |

* Several regions have been reclassified, because the character of racial segregation has differed within the region. Hawaii and Alaska have been separated as "outlying" States from the Pacific region; and the South Atlantic and East South Central have been combined and redivided into Border (Delaware, Maryland, West Virginia, Kentucky) and Southeast (all others in these two regions). In all tabulations, the outlying States, Hawaii and Alaska, are dropped, because there is no black-white segregation in their schools, and the number of blacks in those States is very small.

# The segregation measure is based on the proportion of whites in the average black child's school, standardized for the proportion of whites in the district.

**Table 2**
**Segregation within school districts of different sizes in 1968 and 1972 in the U.S. and the Southeast**

| | U.S. | | | Southeast | | |
|---|---|---|---|---|---|---|
| *District Size* | *1968* | *1972* | *Chang* | *1968* | *1972* | *Chang* |
| 100 | .71 | .65 | -.06 | .84 | .44 | -.40 |
| 25-100 | .66 | .39 | -.27 | .77 | .28 | -.49 |
| 10-25 | .54 | .22 | -.32 | .70 | .16 | -.54 |
| 5-10 | .59 | .14 | -.45 | .74 | .13 | -.61 |
| 2.5-5 | .56 | .14 | -.45 | .74 | .09 | -.65 |
| 2.5 | .44 | .03 | -.41 | .70 | .04 | -.66 |

**Table 3**
**Segregation between school districts in 1968 and 1972 in the U.S. and each region**

| *Region* | *1968* | *1972* | *Change* |
|---|---|---|---|
| United States | .32 | .36 | +.04 |
| New England | .25 | .31 | +.06 |
| Middle Atlantic | .38 | .44 | +.06 |
| Border | .48 | .48 | .00 |
| Southeast | .18 | .22 | +.04 |
| West South Central | .32 | .37 | +.05 |
| East North Central | .30 | .32 | +.02 |
| West North Central | .35 | .39 | +.04 |
| Mountain | .15 | .17 | +.02 |
| Pacific | .30 | .34 | +.04 |

was an increase, in nearly every region of the country, in segregation between districts.[1] Table 3 shows this, with an increase in segregation everywhere except in the Border States.

The combination of this increase and the reduced segregation within districts means that by 1972, the segregation between districts within the region is greater than that within districts in three of the nine regions, while it was greater in no region in 1968. Thus the form of segregation that arises through residential separation of blacks and whites into different districts has increased throughout the country at the same time that the form of segregation that exists within districts has been reduced.

The same contrasting changes can be seen for the largest metropolitan areas. Although within-district segregation decreased to a greater or lesser extent in 16 of the 22 largest central-city districts between 1963 and 1972, the segregation between districts in the metropolitan areas of these central cities decreased in only *one*, the Washington, D.C., metropolitan area, with increases as high as .15 (in Atlanta), .11 (in Houston), and .10 (in Detroit and Dallas). It is, in fact, in these largest metropolitan areas that the segregation between districts is increasing most rapidly. Furthermore, this form of segregation is one that is a more severe segregation, because it constitutes greater residential distance between black and white children than exists when segregation is among schools within the same district.

The increase in between-district segregation at the same time that there is in some districts reduced segregation within the district raises the question about a causal connection between the two: Did desegregation within central-city school districts during this period lead to a loss of white children from these central-city districts which has the result of separating black and white children into separate school districts? It is clear that the loss of white children from central-city schools was occurring before any desegregation, and occurred in those cities where no desegregation occurred as well as in those where it did occur. What we want to ask is whether this loss of whites from the central-city schools is accelerated when substantial desegregation takes place. It is to that question that I now turn.

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[1] The segregation indices were calculated as in the preceding section, except that school districts rather than schools were taken as the unit of observation. Thus the index is based on the average proportion of white children in the average black child's school district, standardized by the proportion of whites in the region (or later, the metropolitan area).

## The Size of Individual Segregating Responses to Desegregation

It is clear from the preceding sections that there is a segregating process occurring through individual movement, primarily of white families, from schools and districts in which there is greater integration or a greater proportion of blacks, to schools and districts in which there is less integration or a smaller proportion of blacks. The consequences of this, of course, are to partially nullify the effects of school desegregation as carried out by various governmental or legal agencies.

What is not yet clear is whether desegregation itself induces an increased movement of whites from the desegregated district. This is a difficult but important question to answer, because desegregation in particular school districts is a direct outcome of social policy or legal rulings, and it is important to ask whether there are indirect consequences of desegregation itself which partly nullify it, and if so, what the size of this response is under various circumstances.[2]

The question is difficult because casual observation shows that desegregation has evoked differing reactions in different cities, and because desegregation has taken place in very different settings. For example, in many areas of the South, school systems are county-wide, encompassing both in city and the surrounding suburbs. Leaving a desegregated system in that setting entails leaving the public school system itself, or a rather distant move (unless adjacent counties have also desegregated, which was a common occurrence in the early 1970's in the South). This, of course, is more difficult than a move to a separate, predominantly white suburban school system, which is the common pattern in the North. Another variation is in city size, which creates nearly a qualitative difference in the character of desegregation, for full-scale desegregation in a large city entails mixing student populations that are much more socially distinct and more residentially separated than in small cities.

Additional complications include these:

a) Most desegregation in this period took place in the South, so that except as there was a similar response in those few places in the North that did desegregate, the generalization of results to northern cities must remain a question.

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[2] There have been several studies of the effect of school segregation on the loss of white children from the desegregating school system. In an attitude survey of parents in eight Florida countywide desegregated school districts, one group of authors (Cataldo et al., 1975) concluded that when the racial composition of schools is less than 30 percent black, almost no whites leave; but beyond 30 percent a higher proportion leave.

b) There was a general loss during this time of whites from central cities, a loss which preliminary analysis indicates is greater as the size of the city is greater, and as the proportion black in the city is greater.

c) The available data show simply the student populations of each race for each of the 6 years, 1968–73, so that only changes in student populations are directly measured. This is not exactly the same as movement, although something about net movement of a racial group out of the district's schools can be inferred from these measures of gain or loss.[3]

d) If there is a loss of whites when desegregation occurs, it is not clear what the time progression of this loss is. When does it begin? Does it continue, and accelerate as the proportion white in the schools declines, or is it a one-time response which does not continue once the degree of desegregation is constant? Or does it in fact reverse itself, with whites returning to the district's schools a year or so after they have desegregated? Initial observation of particular cities which have fully desegregated suggests that a loss due to desegregation begins in the *same* year that desegregation takes place, but its subsequent course is less clear. Using these indications from individual cities, we will first attempt to examine the loss of whites in the same year that desegregation occurs.

These difficulties are not overcome simply, but the data are extensive, showing racial composition of schools over each of the 6 years, 1968–73.[4] The cities to be examined are divided into two groups

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Mercer and Scout in a comprehensive (as yet unpublished) survey of white school population changes in California districts between 1966 and 1973 found no relation between population changes and the amount of desegregation undergone in the district. Charles Clotfelter (1975), in contrast, shows that desegregation in Mississippi had a significant effect on private school enrollment, an effect that increased with increasing proportions of blacks in the schools. Reynolds Farley (1975) used the same OCR data used in our analysis, but only up to 1972. He found no relation of school integration to white population loss for 125 cities with 100,000 or more population and at least 3 percent blacks, and also for the largest northern and southern cities. His methods differ, however, from our own in several respects, particularly in our year-by-year examination contrasted to his 5-year examination.

[3] Fertility changes among whites also affect the change in numbers of white children in the schools. Fertility of whites in the years preceding this period was declining, which leads to a general decline in white student populations. This affects the constant term in the regression equations, but not the indicated effects of desegregation, unless the decline in white fertility was by some chance greater in those cities that desegregated. The covariance analysis even controls for that possibility (see p. 71 of James S. Coleman, Sara D. Kelly, and John A. Moore, "Trends in School Segregation, 1968–1973," Washington, D.C.: The Urban Institute, 1975).

[4] Schools are not identified each year in a way that makes possible tracing changes in individual schools.

because of the indications that response to desegregation differs considerably in very large cities from the response in smaller ones: (1) 21 of the 23 largest districts in the country classified as central-city districts;[5] (2) 46 of the next 47 largest central-city districts.[6]

These cities are divided into two groups because the response to desegregation appears, as indicated above, different in the largest cities from smaller ones. In analyzing the question of how loss of white students is related to desegregation, we will first examine the loss that is related to reduction in segregation in the same year. The measure of segregation used is the standardized measure $r_U$ presented in earlier sections.[7]

In this analysis, all years are taken together (that is, $\Delta r_U$ in 1968–69 is related to change in whites in 1968–69, $\Delta r_U$ in 1969–70 is related to change in whites in 1969–70, etc.) in an equation as follows:

(4) $w_t - w_{t-1} / w_{t-1} = a + b_1 \Delta r_{t,t-1} + b_2 p_{M-1} + b_3 \ln N_{t-1}$

where:

$w_t$ is the number of white students in year $t$

$r_t$ is the standardized measure of segregation in year $t$

$p_{M-1}$ is the proportion black in the system in year $t$-1

$N_{t-1}$ is the number of students in the system in year $t$-1

The analysis is carried out for $t$ = 1969, 1970, 1971, 1972, 1973. They are taken together to obtain an average effect over the 5 years, because among the 22 cities, massive desegregation in any one year in one city can distort results for that year. The two additional variables of proportion black in the system and number of students are included because these variables appear to be related to loss of whites from the system independently of the change in segregation.

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[5] Washington, D.C., which has only about 3 percent white, is excluded because it is already racially homogeneous. Albuquerque, the 22nd largest central-city district, was excluded because the city of Albuquerque is not among the first 50 in population. Size of central-city district corresponds reasonably well to size of city, but there are some discrepancies. This set of districts included 19 of the largest 21 cities in the country by the 1970 census (excluding only San Antonio and Phoenix). In addition, it includes Denver (the 25th largest), Atlanta (the 27th largest), and Tampa (the 50th largest). The latter is a county-wide school district, which accounts for the large district size relative to city size. In preliminary analyses, only the largest 20 central-city districts were included, excluding Denver and San Francisco. However, because Denver and San Francisco were two of the few northern cities to undergo extensive desegregation during the period 1968–73, they have been included.

[6] Richmond, Va., which annexed some suburban districts in the same year it underwent extensive desegregation, was excluded. It was not possible to tell from Richmond the exact size of white loss from the original district, although the loss in years subsequent to the annexation shows that it was substantial. Memphis also had annexation, but its size was affected only slightly, so it was not excluded.

[7] It seems likely that the tendency of white families to leave the system is related not to a change in the "index of segregation," but to a change in the proportion of blacks

Note that the independent variable measuring change in segregation, $\Delta r_{t,t-1}$, is just that. It is not a measure of a particular form of change in segregation, such as busing, or even of a desegregation policy. Change in $r$ can occur through individual movement of black or white students; and certainly the slight upward movement of segregation (as measured by $r$) in some northern cities is just that. However, these individual movements make only small differences in $r$ over any year. Large negative values for $\Delta r$ are due to desegregation policies instituted in that city. Although the term "desegregation" to a civil rights lawyer may mean only the move to full racial balance in all schools, it is important to remember that the desegregation variable used in this analysis refers to a reduction of any size in the index of segregation.

The results of the analysis are presented in table 4. The table presents the coefficients to the above equation for the largest 21 central-city systems and the next 46, along with standard errors of the coefficients and amount of variance accounted for. To gain some sense of the magnitude of the effects represented by these coefficients, we can express what the expected yearly rates of loss of white students would be in various circumstances. It is important to remember that these are *average* effects, which differ from city to city, as will become apparent in subsequent analysis.

1. For a city with the average number of students, with no blacks and no reduction in segregation, the expected loss per year is:
   a) Largest 21: (gain of) 0.9 percent of whites present at beginning of year (average number of students is 169,000)
   b) Next 46: 1.2 percent of whites present at beginning of year (average number of students is 58,000)
2. Additional expected loss if the city is 50 percent black:
   a) Largest 21: 6.8 percent of whites present at beginning of year
   b) Next 46: 4.5 percent of whites present at beginning of year
3. Additional expected loss if the city experiences a decrease of .2 in the index of segregation in that year:[8]

in their child's school. Thus a change in the unstandardized measure of earlier sections, $s_u$ (the proportion of black children in the average white child's school), should be more directly related to the loss of whites than is $r_u$. However, the unstandardized measure is affected by the number of white children in the system, and thus any analysis including it must relate the change in $s_u$ in the *previous* year to the loss of whites in a given year. A discussion in appendix 3, however, indicates how one might use the change in $s_u$ as a determinant of loss of whites in the same year. The relation between the size of a change in $s_u$ and the corresponding change in $r_u$ depends on the proportion of blacks in the system. When it is .5, which is about average for the largest 22 central-city districts, then the change in $r_u$ is twice the change in $s_u$ (since $r_u = (p_i - s_u)/p_i$ ). It is because both the numerator and denominator of the formula for $r_u$ are affected by loss of whites to the system that $r_u$ in a given year is approximately independent of loss of whites in that year.

[8] A decrease of .2 in the index of segregation is approximately equal to an increase of 10 percent in the black schoolmates of the average white in the system if the proportion is .50.

**Table 4**

**Regression Coefficients for Analyses of White Student Loss to Central Cities**

| *Equation 1* | *Largest 21* | *Next 46* |
|---|---|---|
| ΔR | .279 (.062) | .056 (.026) |
| Prop. black | -.133 (.023) | -.090 (.014) |
| n N | .000 (.008) | -.042 (.010) |
| Constant | .013 | .452 |
| $R^2$ | .29 | .26 |
| Number of Observations | (105) | |

**Including interdistrict segregation in SMSA, and interaction of desegregation with South:**

| *Equation 2* | | |
|---|---|---|
| ΔR | .199 (.156) | -.148 (.137) |
| Prop. black | -.044 (.039) | -.035 (.016) |
| n N | .066 (.008) | -.041 (.010) |
| R SMSA | -.165 (.050) | -.110 (.021) |
| ΔR x S | .143 (.170) | .242 (.137) |
| Constant | -.059 | .4 |
| $R^2$ | .36 | .35 |

**Including interactions of desegregation with proportion black and interdistrict segregation, and also including South as a dummy variable:**

| *Equation 3* | | |
|---|---|---|
| ΔR | -.459 (.184) | -.349 (.151) |
| Prop. black | .051 (.037) | -.026 (.019) |
| n N | .003 (.006) | -.039 (.009) |
| R SMSA | -.210 (.044) | -.102 (.025) |
| ΔR x South | .148 (.198) | .244 (.145) |
| ΔR x Prop. black | 1.770 (.307) | .511 (.215) |
| ΔR x R SMSA | .561 (.494) | .894 (.314) |
| South | -.006 (.010) | -.002 (.006) |
| Constant | -.039 | .414 |
| $R^2$ | .60 | .40 |

a) Largest 21: 5.5 percent of whites at beginning of year
b) Next 46: 1.1 percent of whites at beginning of year

4. Additional expected loss if a city was twice its size:
a) Largest 21: 0 percent of whites present at beginning of year
b) Next 46: 2.9 percent of whites present at beginning of year

Taking the first three losses together, the expected loss of whites from a city system with 50 percent blacks would be:

For the largest 21:
with reduction of .2 in segregation: (–)0.9% + 6.8% + 5.6% = 11.5%
with no change in segregation: (–)0.9% + 6.8% = 5.9%

For the next 46:
with reduction of .2 in segregation: 1.2% + 4.5% + 1.1% = 6.8%
with no change in segregation: 1.2% + 4.5% = 5.7%

These results suggest that the impact of desegregation is quite large for the largest 21 districts, of the same order of magnitude as other effects; but that for the next 46 cities, the impact is much less, considerably smaller than that due to other factors. (The average loss of whites per year in the largest 21 cities was 5.6 percent of those present at the beginning of the year, and in the next 46, 3.7 percent.) It should be remembered also that this is an effect for the year of desegregation only; we do not yet know about subsequent effects.

But how does a decrease of .2 in the segregation index compare to the actual declines that occurred in segregation in these cities in any single year? One way to get a sense of this is, as stated earlier, from the fact that in a city with .5 blacks in the schools, an increase of 10 percent blacks in the average white child's school is equivalent to a decrease of .2 in the segregation measure. To give another sense of the magnitude of a change of .20, the cities among the 21 largest districts are listed in table 5 in which a reduction in segregation of .10 or more occurred in any single year, together with the year it occurred.

Eight of the 21 cities underwent a reduction in segregation of .1 or more in any single year, and 3, a reduction of .2 or more (and 7 of them underwent a reduction of .2 or more over the total period 1968–73). Among the next 46, 13 underwent a reduction of .2 or more over the whole period, and 10 of these a reduction of .4 or more. Many cities, of course, underwent no desegregation at all, and their segregation indices remained approximately constant, or increased.

A next step which can be taken (or two steps at once) is to attempt to consider two more factors which differ among cities which have experienced desegregation, factors which may affect the rate of loss of

**Table 5**

| *City* | *Year* | *Reduction in segregation* |
|---|---|---|
| Houston | 69–70 | .11 |
| Dallas | 70–71 | .19 |
| Memphis | 72–73 | .48 |
| Tampa | 70–71 | .52 |
| Indianapolis | 72–73 | .18 |
| Atlanta | 69–70 | .11 |
| | 72–73 | .15 |
| Denver | 68–69 | .22 |
| San Francisco | 70–71 | .16 |

**Table 6**

**Estimated increase in loss of whites in 1 year as a function of 50% black in city school districts and between-district segregation of .4**

| | *50% black* | Between-district *segregation of .4* |
|---|---|---|
| Largest 21 | 2.2% | 6.6% |
| Next 46 | 1.7% | 4.4% |

**Table 7**

| *Between-district segregation* | *Largest 21 proportion black* | | | *Next 46 proportion black* | | |
|---|---|---|---|---|---|---|
| | .25 | .50 | .75 | .25 | .5 | .7 |
| 0 | 2 | 10 | 17 | 3 | 6 | 9 |
| .2 | 9 | 16 | 24 | 8 | 11 | 15 |
| .4 | 15 | 23 | 30 | 14 | 17 | 20 |

whites. One is location in the South or North. This factor we do not expect to affect the *general* loss of whites, but only their loss when desegregation occurs. Thus we can ask what is the effect of desegregation of .2 for southern cities, and what is the effect for northern cities? Second, cities differ in the degree to which a suburban alternative is available. Some cities, either because the school district encompasses all or most of the metropolitan area, or because the rest of the metropolitan area is about the same racial composition as the central city, have no such available havens. Thus we can ask how the loss of whites is affected by the racial disparity between city and suburbs, or what we have called in an earlier section, the between-district segregation.

A regression equation which includes these two variables gives results as indicated in table 4, which allow the following estimated increase in loss of whites in 1 year as a function of reduction of .2 in index of segregation: for the largest 21, in the South, 6.8 percent, and in the North, 4.0 percent; for the next 46, in the South, 1.9 percent.[9]

These results show that indeed there has been a greater loss of whites when desegregation has taken place in large southern cities than when it has taken place in large northern cities, with the estimate nearly twice for the southern cities what it is for northern ones. For the smaller cities, there is a smaller loss for the southern cities though no effect can be estimated for the North in these smaller cities.

For this analysis with the two additional variables, we can also ask what differences in loss of whites are associated with a difference between 0 and 50 percent black in the city schools and a difference between 0 between-district segregation and .4 between-district segregation. The estimates in table 6 show that the loss which was earlier seen as resulting from the proportion black in the city can in fact in considerable part be accounted for by the between-district segregation, which is a function of the *difference* between proportion black in the city and that in the suburbs. Thus the frequent observation that the loss of whites from central-city school systems depends on the existence of suburban systems with high proportions of whites is certainly confirmed by these data. Note, however, that this is a *generally* greater loss of whites under such conditions, not related to the period of desegregation. The question of whether there is additional loss at the time of desegregation can be answered by a further analysis, to which we now turn.

In this analysis, we include not only the possibilities that have already been examined, but three others as well:

[9] No reliable estimate for the North can be made since the correlation between $\Delta r$ and $\Delta rx$ South is .983 (i.e., nearly all changes in segregation occured in the South in these 46 cities). See note 10 for further discussion.

(a) The possibility that there is a generally different loss rate of whites from central cities in the South than in the North, in the absence of desegregation

(b) the possibility that desegregation produces different rates of loss when the proportion black in the city differs (interaction between proportion black and change in segregation)

(c) the possibility that desegregation produces different rates of loss when the interdistrict segregation differs

The estimates of these effects can best be expressed as the total estimated loss rates under different illustrative conditions.[10] We will consider what the loss rates would be for the average-size district in the South for each group of cities where the reduction in segregation is .2, as in earlier illustrations. Estimates are given for various combinations of proportion black in the central-city district, ranging from .25 to .75 and between-district segregation ranging from 0 to .4. Table 7 shows the estimated loss rates under these various illustrative conditions.

These estimates are for a city in the South. In the North the losses at the time of reduction in segregation are estimated to be 3.0 percent less in the largest 21 cities, with no reliable estimate possible in the next 46. However, it should be recalled that more desegregation took place in the South, so that the estimates are less reliable for northern cities. It should also be noted that some combinations of proportion black and between-district segregation are impossible or quite unlikely, such as .25 proportion black and .4 between-district segregation, or .75 black and 0 between-district segregation.

The most striking from these illustrative estimates are two effects. One is the large increase in the effect of desegregation on rate of white loss as the proportion black in the district increases. This effect exists in both sizes of cities, though it is more pronounced in the largest 21. There is a similarly large increase in the effect of desegregation on white loss if there are suburban alternatives, as measured by a high value for between-district segregation. In this case, the estimated augmentation effect is high both for the smaller cities and for the large ones.

The analysis above does not, however, answer certain other questions, such as the losses of whites in subsequent years. To examine this question, we can slightly modify equation (4), and examine the loss in a given year as a function of the desegregation not only in that year, but in preceding years:

$$w_t - w_{t-1} \,/\, w_t = a + b_{11}\,\Delta r_{t,t-1} + b_{12}\,\Delta r_{t-1,t-2} + b_2\,p_b + b_3\,ln\,N \quad (5)$$

[10] The individual coefficients from table 4 if interpreted alone without combining both the interaction terms and the main effects are not meaningful. Thus the negative sign on the coefficient for $\Delta r$ is not itself interpretable, without the compensating positive

and two more equations, including respectively $b_{13}\ \Delta r_{t-2,t-3}$ , $b_{13}\ \Delta r_{t-2,t-3} + b_{14}\ \Delta r_{t-3,t-4}$ , and $b_{13}\ \Delta r_{t-2,t-3} + b_{14}\ \Delta r_{t-3,t-4} + b_{15}\ \Delta r_{t-4,t-5}$ .

The last of the equations, which examines effects of desegregation over the preceding 5 years, is the most complete, but gives the least accurate estimates, since it is based only on the loss in 1972–73, and includes only 21 observations. Thus, only the first four equations will be used and only the first three coefficients, for which there are multiple estimates, will be calculated by averaging over the equations. These results will give an indication of the time pattern of white loss following desegregation.[11] The indication must be preliminary, because asking as detailed a question as this of data which consist of a limited number of desegregation experiences, some of which occurred only in 1971–72 or 1972–73, cannot provide a conclusive answer. Nevertheless, it is useful to attempt to obtain even a preliminary answer to the question. Table 8 shows for successively greater numbers of terms, up to three, the estimates for coefficients. When these coefficients are averaged as described earlier to attempt to estimate the succeeding effects of integration, the results are not very satisfactory, nor even highly consistent, except for the first term (the year in which integration took place). The second year shows essentially no effect while the third year shows an improbably large positive effect.[12] Thus, this attempt must be regarded as unsuccessful for statistical reasons (probably the particular years of desegregation associated with estimates for particular lags). The most that can be said is that there is

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coefficient of $\Delta rx$ proportion black. Even so, particular combinations of values for the variables would show results that would seem unlikely on their face (for example, integration at very low proportions black apparently bringing about a small gain in proportion of whites in city schools, rather than a loss, or increased proportion black apparently bringing about a small gain as well). This is probably due to misspecification of the equation—for example, some nonlinearity in effect of proportion black, not allowed by the equation as specified, or to a tendency of two highly correlated variables to have coefficients that polarize, due to minor sampling fluctuations. (See "Instabilities of Regression Estimates Relating Air Pollution to Mortality," Gary C. McDonald and Richard C. Schwing, Technometrics, Vol. 15, No. 3, Aug. 1973.) Finally, there is the fact that some coefficients would give meaningless values of rate of loss (e.g., over 100) percent for extreme values of the independent variables (e.g., $\Delta r = 1$ and the proportion black = 1.0). This is due to a deliberate misspecification of the equation. The appropriate dependent variable would have been logarithm of (whites in year $t$/whites in year $t-1$), rather than (whites in $t$–whites in $t-1$)/(whites in $t-1$). The latter was used because it gives almost the same results as the former, and the coefficients are more directly expressible as additions to a given rate of loss.

[11] The possible indirect accelerating effects of desegregation on white loss through its effect on increasing the proportion black [$p_b$ in equation (5)] is not reflected in the coefficients $b_{11}$ through $b_{15}$. That effect can be calculated to determine, for example, the effect in year 2 through $\Delta r_{t,t-1}$ in $\Delta p_b$ and then the product $b_3\ \Delta p_b$.

[12] One reason for suspecting estimates of $\Delta r_{t-3}$ is that they are heavily dependent on changes in segregation that took place in 1971–72, and among the 21 cities, there were no large changes during that year.

no evidence for a return to city schools in the second or third year after desegregation nor any strong evidence for a delayed loss in the second and third years after desegregation. (There is, however, an indirect effect in subsequent years through the increase in proportion black that occurs during the first year.)

There is another more stringent test of segregating effects of school desegregation than those we have examined so far. Each city—with its own particular housing patterns, suburban configurations, crime levels, distribution of racial prejudices, industrial growth or decline, and other factors—has rates of white loss that are specific to it. A rough test of this sort can be carried out for the largest cities by using the white student loss that occurred in each city in 1968–69, before much desegregation occurred in any of these cities (except for Denver), and observing what occurred from 1969 to 1973. For the 12 districts of the 22 which did not experience a reduction of at least 0.1 in segregation over the period 1968–73 (and on the average experienced no change at all), loss of white students expected between 1969 and 1973, based on their 1968–69 losses, was 17 percent of the white students present in 1969. The actual loss during this period was 20 percent, only slightly greater than expected. For the 10 districts which did experience desegregation of 0.1 or more, their expected loss between 1969 and 1973, based on the 1968–69 before desegregation losses, was only 10 percent. But their actual 1969–73 losses averaged 26 percent of the white students present in 1969. Table 9 shows these figures for each city separately.

A more careful statistical examination of this sort may be made by introducing into the regression equation a dummy variable for each city. Since in equation (4) there are five observations for each city, the degrees of freedom in the equation are $5n - n - 3$.

This analysis makes a somewhat different comparison than the previous ones. In those analyses, districts which have desegregated are compared with those that have not, to discover the effect of desegregation on loss of white students to the system. In this analysis, by contrast, we compare districts that have desegregated with their own expected rates of loss in the absence of desegregation, to discover any additional loss of whites due to desegregation. This is obviously a much more stringent test because it controls for the general characteristics of each city. The equations used in the analysis include proportion black, logarithm of number of students, and between-district segregation, with the addition of a dummy variable for each city. The results of the analysis give coefficients for $\Delta r$ of .262 (.057) for the largest 21 city dis-

**Table 8**

**Further Analysis Results (Equations include proportion black and interdistrict segregation)**

**Large 21**

| *Years of desegregation* | $\Delta R_t$ | $\Delta R_{t-1}$ | $\Delta R'_{t-2}$ | |
|---|---|---|---|---|
| 69–73 | .320 (.060) | | | .35 |
| 70–73 | .330 (.069) | .009 (.080) | | .35 |
| 71–73 | .279 (.065) | -.035 (.078) | -.022 (.075) | .43 |
| 72–73 | .603 (.096) | -.082 (.068) | -.048 (.070) | .71 |

**Next 46**

| | | | | |
|---|---|---|---|---|
| 69–73 | .089 (.025) | | | .34 |
| 70–73 | .076 (.026) | .034 (.026) | | .31 |
| 71–73 | .102 (.032) | .024 (.025) | -.024 (.027) | .42 |
| 72–73 | .130 (.050) | .051 (.033) | -.045 (.029) | .40 |

**Estimated added losses of whites due to desegregation in first year of desegregation, in second year, and third year, assuming reduction of .2 in segregation index.***

| | *First year* | *Second year* | *Third year* |
|---|---|---|---|
| Large 21 | 7.7% | 0.7% (gain) | .07% (gain) |
| Next 46 | 2.0% | 0.7% | .07% (gain) |

*Unweighted averages of above estimates were used because standard errors were nearly alike.

**Table 9**

**Reduction in Segregation 1968–1973, Expected and Actual Loss of White Students 1969–1973, 22 Largest Central City Districts**

| *District* | *Reduction in Segregation* | *Proportion of Whites Present in 1969 Lost by 1973* | |
|---|---|---|---|
| | | *Expected (based on city's 1968–69 loss*)* | *Actual* |
| 1. New York | (+) .03 | .12 | .16 |
| 2. Los Angeles | .07 | .10 | .21 |
| 3. Chicago | (+) .02 | .16 | .25 |
| 4. Philadelphia | (+) .08 | .13 | .13 |
| 5. Detroit | .04 | .33 | .30 |
| 6. Houston** | .17 | .19 | .29 |
| 7. Baltimore | .02 | .09 | .17 |
| 8. Dallas** | .22 | .06 | .25 |
| 9. Cleveland | (+) .02 | .22 | .12 |
| 10. Washington | .04 | .36 | .42 |
| 11. Memphis** | .62 | (+) .10 | .37 |
| 12. Milwaukee | .03 | .07 | .16 |
| 13. San Diego** | .12 | .00 | .08 |
| 14. Columbus, Ohio | .04 | .05 | .12 |
| 15. Tampa** | .74 | (+) .09 | (+) .11 |
| 16. St. Louis | (+) .03 | .17 | .25 |
| 17. New Orleans** | .15 | .13 | .38 |
| 18. Indianapolis** | .28 | .10 | .24 |
| 19. Boston | (+) .03 | .11 | .14 |
| 20. Atlanta** | .37 | .27 | .59 |
| 21. Denver** | .38 | .09 | .19 |
| 22. San Francisco** | .31 | .39 | .33 |
| Average for 12 cities which had less than 0.1 reduction in segregation | | .16 | .20 |
| **Average for 10 cities which had 0.1 or more reduction in segregation | | .10 | .26 |

*Expected loss equals $1-(1-x)^t$, where x equals the proportion white students lost in 1968–69

tricts, and .098 (.025) for the smaller cities.[13] These coefficients correspond closely to those found in earlier equations, indicating that the estimate of the average additional loss rate during desegregation is a stable one, and not due to uncontrolled characteristics of the cities.

Finally, it is possible to carry out a full analysis of covariance, in which we can not only control for the characteristics of the individual cities, but also estimate the loss rate under desegregation for each city which underwent substantial desegregation.[14] These estimates are probably as close as we can obtain to the actual effects of desegregation on white loss in the year of desegregation. They show that the estimated white loss does vary considerably from city to city, and that the average loss rate specified earlier obscures very different loss rates in different cities. Table 10 shows the estimated loss rate in the year of desegregation if $\Delta r$ were .2, for all cities listed earlier which underwent desegregation of .1 or more in a single year. These rates must still be regarded as only estimates because there are other things varying concurrently with desegregation. For three of these, proportion black, between-district segregation, and size of district, the equation has controlled the general effects; but the specific effects of each of these variables (as well as others) may differ from city to city. Nevertheless, these figures do indicate where the losses due to segregation are especially great, and where they are small.

Now that we have some sense of the magnitude of the losses of whites in the year in which desegregation occurs, and how that magnitude varies among different cities, it is useful to ask just how much difference this makes in the long run in the city's population composition. For insofar as we can determine, the effect of desegregation is a one-time effect. The present data give no good evidence that there is a continuing increased loss of whites from city schools after desegregation has taken place. On the other hand, there are secondary impacts of the initial loss: it increases the proportion of blacks in the schools, which itself increases the rate of loss. And it increases the racial disparity between suburbs and city, also increasing the rate of loss. Yet these are second-order effects and their overall impact is not clear.

One way of gaining a sense of the difference that sharp desegregation makes in the racial composition of a city in subsequent years is

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[13] $R^2$ in these equations are .65 and .60 respectively.

[14] This analysis is carried out by an equation with $\Delta r$ (change in segregation), dummy variables for each city, and interactions between the city dummy variable and $\Delta r$. The coefficient for each city is the same as the sum of the coefficients for $\Delta r$ and the interaction term.

**Table 10**

**Estimated Additional Loss of White Students in Specified Cities**

(Loss during desegregation in cities which had a r in one year of -.1, beyond general loss of whites in those cities. Desegregation assumed is r = -.21)

| *City* | *Estimated loss as a percent of students present at beginning of year* |
|---|---|
| Houston | (gain) 9.1% |
| Dallas | 7.9 |
| Memphis | 15.6 |
| Tampa | 2.6 |
| Indianapolis | 6.7 |
| Atlanta | 16.7 |
| Denver | (gain) 4.0 |
| San Francisco | 5.1 |
| Average | 5.2 |

NOTE: Professor Reynolds Farley (personal communication 10 September, 1975) has pointed out to us that Houston, Dallas, Memphis, and Denver annexed substantial amounts of territory during the period 1970–73, so that the losses for those cities may be underestimated due to an undetermined number of white children added through annexation. Thus the apparent gains for Houston and Denver may well be due to annexation.

to consider a hypothetical city with particular characteristics, and apply the coefficients of the equations to the changing population composition of the city, year by year, under two conditions: with sharp desegregation in the first year, and without any change in segregation.

We will do this with two of the equations for the large cities: the simple equation including only $\Delta r$, proportion black, and logarithm of student population (equation 1 in table 4); and the most complex equation, including three interaction terms (equation 3 in table 4).

Assumed characteristics of the district in year 0:

1. Proportion black = 0.50
2. Proportion white = 0.50
3. Average size student body for the largest 21 (169,000)

*4. Suburban ring equal in size to central city, and all white (this means that initial between-district segregation for SMSA is .33).

*5. Located in North.

*6. No overall change in student populations in SMSA; white losses from central city appear in suburbs.

*7. No movement of blacks to suburbs.

(Starred items are relevant only to equation 3 in table 4.)

The population compositions of the cities will be projected under two assumptions: first, that there is no change in segregation ($\Delta r = 0$); and second, that in year 0, there is a drop of .4 in $r$. This would not be total desegregation in most large cities (see, for example, table 3), but it would reduce the segregation by about half, and in some cases more, and be very substantial desegregation.

Equation 1, including only $\Delta r$, proportion black, and logarithm of size, certainly does not include all the ways in which desegregation can have an impact on white student loss. On the other hand, equation 3 may overstate the initial loss upon desegregation through the magnitude of the interaction terms and may understate the losses after desegregation. As noted in table 11, the two equations show, however, something about the range of effects that might be expected for a city with these characteristics.

We should emphasize that these projections are not intended as predictions for any city. They are intended rather to give a better perspective on what these equations imply for the impact of desegregation on the city's population composition.

The equations give considerably different projections, but perhaps the most important point is that the impact of desegregation, as a one-time impact, matters less in the overall population composition of the central city than does the continuing loss of whites with or without desegregation. According to equation 3 from table 4, there would be a 10 percent difference in the proportion black in the city at the end of 10 years due to desegregation; but even without desegregation, the

**Table 11**

**Predicted Portion Black in Year**

| | *Year:* | *0* | *1* | *2* | *3* | *4* | *5* | *6* | *7* | *8* | *9* | *10* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Equation 1* | | | | | | | | | | | | |
| with desegregation (.4) | | .5 | .54 | .56 | .58 | .60 | .61 | .63 | .65 | .67 | .69 | .70 |
| without desegregation | | .5 | .51 | .53 | .55 | .56 | .58 | .60 | .61 | .63 | .65 | .67 |
| *Equation 3* | | | | | | | | | | | | |
| with desegregation (.4) | | .5 | .58 | .60 | .62 | .63 | .65 | .67 | .69 | .71 | .73 | .75 |
| without desegregation | | .5 | .51 | .52 | .54 | .55 | .56 | .58 | .59 | .61 | .63 | .65 |

**Table 12**

| | *White schoolmates for average black* | | *Black schoolmates for average black* | |
|---|---|---|---|---|
| | *Year 0* | *Year 10* | *Year 0* | *Year 10* |
| *Equation 1* | | | | |
| with desegregation | .30 | .18 | .15 | .09 |
| without desegregation | .10 | .07 | .05 | .03 |
| *Equation 3* | | | | |
| with desegregation | .30 | .15 | .15 | .08 |
| without desegregation | .10 | .07 | .05 | .04 |

proportion would have increased from .5 to .65. And according to equation 1 from table 4, the difference due to desegregation would be only 3 percent at the end of the 10 years, but with about the same general increase in proportion black.

It is useful also to see the projected proportion of white schoolmates for the average black child under these conditions, and the proportion of black schoolmates for the average white in the metropolitan area. These are given in table 12, assuming an initial segregation of .8, reduced to .4 under desegregation. These projections show that under all conditions, there is an extensive decline in interracial contact over the 10 years. The interracial contact under desegregation is projected to remain higher after 10 years than it was in year 0 under no desegregation; but the projected erosion is great, and especially so under desegregation. Most of the intended benefits of desegregation will have been lost at the end of 10 years—in part to the loss of white students upon desegregation, but due even more to the general loss of white students from city schools, with or without desegregation. Nothing here can be said, of course, about the quality of interracial contact in the two situations.

It is important again to emphasize that these are projections for a hypothetical city with the given characteristics; as is evident in the earlier analysis, the estimated impact of changes in segregation differs from city to city, and in some cities is estimated to be absent.

Altogether, these projections emphasize what data from earlier projections have shown: that the emerging patterns of segregation are those between large cities which are becoming increasingly black, and everywhere else, which is becoming increasingly white. Desegregation in central cities hastens this process of residential segregation but not by a great deal under the conditions specified in the example. It provides a temporary, but fast eroding, increase in interracial contact among children within the central city. In districts with certain characteristics, however (such as about 75 percent black and about .4 between-district segregation, as in Detroit, Baltimore, Philadelphia, or Chicago), the impact of full-scale desegregation would be very large,[15] moving the city's schools to nearly all black in a single year. What would happen in a particular city is unknown; the point here is that the white loss depends very much on the extent of desegregation, the proportion black in the central city and the black-white differential between central city and suburb.

Altogether then, what does this analysis of effects of desegregation in cities indicate? Several results can be specified with some assurance:

[15] See estimates on page 65 of James S. Coleman, Sara D. Kelly, and John A. Moore, "Trends in School Segregation, 1968–73," Washington, D. C.: The Urban Institute, 1975.

1. In the large cities (among the largest 22 central-city school districts) there is a sizable loss of whites when desegregation takes place.
2. There is a loss, but less than half as large, from small cities. These differences due to city size continue to hold when the reduced opportunity of white flight into surrounding school districts in the smaller cities is taken into account.
3. The estimated loss is less in northern cities which have undergone desegregation than in southern ones.
4. In addition to effects of desegregation on white loss, both the absolute proportion of blacks in the central city and their proportion relative to those in the surrounding metropolitan areas have strong effects on loss of whites from the central-city district.
5. Apart from their general effect on white loss, a high absolute proportion of blacks in the central city and a high difference in racial composition between the central-city district and the remaining metropolitan area both intensify the effects of desegregation on rates of white loss.
6. When general rates of white loss for individual cities are taken into account, the desegregation effects still hold to about the same degree as estimated from comparisons among cities.
7. No conclusive results have been obtained concerning the direct effect of desegregation in subsequent years after the first. The indirect effect, however, through increasing the proportion black in the city and the segregation between the city district and suburban ones, is to accelerate the loss of whites.
8. The effect of desegregation on white loss has been widely different among different cities where desegregation has taken place.
9. Because, insofar as we can estimate, the loss of whites upon desegregation is a one-time loss, the long-term impact of desegregation is considerably less than that of other continuing factors. The continuing white losses produce an extensive erosion of the interracial contact that desegregation of city schools brings about.

All this leads to general conclusions consistent with those from earlier sections of this examination: that the emerging problem with regard to school desegregation is the problem of segregation between central city and suburbs; and in addition, that current means by which schools are being desegregated are intensifying that problem, rather than reducing it. The emerging problem of school segregation in large cities is a problem of metropolitan area residential segregation, black central cities and white suburbs, brought about by a loss of whites from the central cities. This loss is intensified by extensive school desegregation

in those central cities, but in cities with high proportions of blacks and predominantly white suburbs, it proceeds at a relatively rapid rate with or without desegregation.

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CHAIRMAN FLEMMING. Thank you very much, Dr. Coleman.

We are now very happy to have the opportunity of listening to a presentation by Dr. Robert L. Green, who is Dean of the College of Urban Development at Michigan State University. Dr. Green.

**STATEMENT OF ROBERT L. GREEN, DEAN OF THE COLLEGE OF URBAN DEVELOPMENT, MICHIGAN STATE UNIVERSITY.**

DR. GREEN. Thank you, Mr. Chairman.

I want to thank Tom Pettigrew of Harvard University very much for working with me in developing the presentation. He could not be here today. Also assisting me in the preparation were three of my colleagues from Michigan State University: Robert Griffore, a doctoral student in the College of Education; John Schweitzer, associate professor in the College of Urban Development; and Joseph Wisenbaker, instructor in the College of Urban Development.

In the past year James S. Coleman of the University of Chicago has made a number of statements opposing the use of court-ordered busing to promote desegregation of public schools. Indeed, he has taken the position that such desegregation attempts may, in fact, simply exacerbate the situation by encouraging the departure of white families from central cities to suburban areas. He has even stated that the courts may be the very worst instrument for social change. While we find ourselves philosophically opposed to such a set of positions, we join with Voltaire in supporting Professor Coleman's right to not only hold to such beliefs but to make them public as well.

Our primary opposition to such public statements rests with Professor Coleman's claim that they are supported by research which he has carried out. What follows below represents, first, a brief review of

Professor Coleman's analyses; second, a brief statement as to some of the problems associated with Coleman's analyses; third, a review of several studies addressing the same basic question (some of which used the same data source as did Professor Coleman); fourth, the presentation of a new set of analyses carried out by Thomas Pettigrew of Harvard University; fifth and finally, a set of conclusions and points relating to what we see as a much broader issue, the relationship between the social scientist and the press, and between social science and public policy.

**Coleman's Analyses**

Since April of 1975, Professor Coleman has produced a series of analyses, all purportedly dealing with the relationship between school desegregation and the loss of white public school students. It is particularly important to note that, while each of these analyses has employed a different method, addressed subtly different questions, and produced a wide range of estimates for the effect of school desegregation on the loss of white students, Professor Coleman has been quite consistent in issuing public statements allegedly related to his analyses. He has held fast to the belief that court-ordered school desegregation within a district leads to the loss of white students, particularly in the year following desegregation. This constancy of opinion is especially disturbing since close scrutiny of the analyses leads one to the conclusion that Coleman does not report analyses dealing with court-ordered desegregation *per se*. The following review of the analyses serves to substantiate this statement.

The chain of events began on April 2, 1975, with the delivery of "Recent Trends in School Integration" by James S. Coleman, S. Kelly, and J. Moore to the American Educational Research Association annual meeting in Washington, D.C. This presentation focused on three major variables which the authors attempted to relate to "white flight": school district size, the district's proportion of black students in 1970, and the increase in school desegregation from 1968 to 1970.

Among the points made in this first paper was that for the 19 "largest," but unspecified, central-city districts both the proportion of black students and the pace of desegregation are positively related to the loss of white children from the public schools. For the next 50 largest central-city districts, however, the results were sharply different. They reported that, among these more typical cities, white pupil losses are positively related to district size and the proportion of black enrollment but *not* to the pace of desegregation.

Based on these results were the two major conclusions: Integration does not promote achievement in black children and courts should not

be an instrument of social policy. These conclusions were reached in spite of the fact that neither achievement nor court-ordered desegregation were explicitly studied.

When the first analysis was called in question, Coleman and his colleagues at the Urban Institute undertook a second, more sophisticated, and sharply different analysis in a second, 67-page document dated July 28, 1975, and entitled, "Trends in School Segregation, 1968–73." This second paper was distributed to a small number of social scientists who were invited to attend a 1-day discussion with Coleman at the Urban Institute on August 4, 1975.

The new analysis attempted to ascertain the average effect of desegregation upon the loss of white students between each of the six school years from 1968 to 1973. In other words, unlike his initial analysis which looked at white student loss during 1970–73 *after* desegregation in 1968–70, Coleman now looked for the concurrent effect of desegregation in the same year. Thus, reductions in desegregation in 1968–69 were related to white student losses in 1968–69, and so on for each of the six years across the 69 central cities. Once again the sample was somewhat arbitrarily split into two on the basis of system size.

In this study, Coleman actually carried out several different analyses, in an attempt to relate a number of different predictors to changes in the proportion of white students. In the first analysis he found that the combined effects of the number of students enrolled in the district, the proportion of black students, and the annual changes in public school desegregation account for only modest differences in changes in the number of white students. It is only when five additional factors are added that much of the effect of changes in numbers of white students can be accounted for. But here again, the most obvious point is that the single variable that Coleman has consistently discussed in his policy statements to the media, court-ordered desegregation, has not been accurately identified in his selected cities, nor has it been associated with what Coleman calls "white flight." Furthermore, it is in this analysis that we can clearly see the unusually strong contribution of Atlanta and Memphis. The average estimated white loss due to desegregation for the eight cities experiencing substantial desegregation is only 5.2 percent. But without Memphis and Atlanta, the average is only 1.5 percent. Coleman's conclusion was that "***the estimated white loss rate specified earlier obscures very different loss rates in different cities." Unfortunately, Coleman has consistently failed to make this point forcefully in his Boston television appearance, his court affidavits, and his many public interviews.

Coleman's first study was abandoned in July, not long after it was completed. The second study met with such a high degree of critical reaction (which we will examine later) that Coleman apparently felt a third study was necessary. Even Professor Coleman characterizes this third analysis as a "rough test."

Performed on various subsets of what Coleman continued to call "the largest" central-city school districts, this analysis developed estimated losses of white students for the years 1969–73 by projecting forward the actual losses during the single year 1968–69.

What this analysis shows is that, for the largest 22 central-city districts, 10 cities showing a reduction in the segregation index of .1 or more had a projected white loss of 10 percent between 1969 and 1973 and an observed loss of 26 percent. The other 12 cities had a projected white loss of 17 percent and an observed loss of 20 percent. From those projected and observed estimates Coleman comes to the conclusion that the impact of desegregation results in more than twice the expected loss of whites as compared to the situation in which desegregation did not occur.

Interestingly enough, of the 10 districts subject to large-scale desegregation, 3 provide most of the effect, all of which are in the Deep South. When Memphis, Atlanta, and New Orleans are removed from this analysis, the remaining 7 desegregating districts present a much different picture. Average projected white losses for these districts are now 11 percent while the observed losses average but 18 percent—clearly a greatly attenuated estimate of white loss attributable to school desegregation. Given the instability of projections based on but a single pair of years, the obtained discrepancy dwindles to insignificance.

**Problems with the Analyses**

When we ask whether Professor Coleman has really demonstrated that desegregation *per se* produces white flight, the answer is a definite "No." If we look at Coleman's research systematically, it becomes apparent that it has several major problems. From the very beginning, with his selection of data for his studies, we see certain limits. In attempting to explain the phenomenon of "white flight," he considers only a small proportion of all the variables which do in fact relate to the movement of whites from central city to suburban areas. Coleman's chief variable is degree of school desegregation, although he considers the proportion of black school enrollment, school district size, the effect of the South as a region, and some ways in which these variables operate together to influence "white flight." Coleman's variables seem to be offered as the most powerful influences on "white

flight," yet it is clear that the phenomenon has been widely recognized since the beginning of this century, and certainly not as a consequence of school desegregation. Whites have been interested in leaving the central-city areas for a wide variety of reasons, as Peter Rossi pointed out some years ago. He noted that customarily educational factors rank sixth in order of influence on movement of whites. And while racial and ethnic prejudice, pollution, disasters, construction of urban areas, and crime are all influential factors, additional closet space was reported as the strongest factor of all.

The degree to which Coleman failed to consider and control for other variables in his analyses has been quite effectively revealed by Gregg Jackson, of the U.S. Commission on Civil Rights. Jackson has demonstrated that if either population density or per pupil expenditure is controlled the desegregation effect Coleman seeks to demonstrate disappears.

Basically, Coleman has not studied *trends* in school integration or the effects of these trends. His failure to deal with the complexity of the whole desegregation and white flight relationship extends to his use of only data for 1968 to 1973. If he had really looked at trends, he would have probably recognized the influence of the several variables noted by Rossi.

Nor has Coleman reported instances of inconsistent evidence, such as that from Detroit, where between 1965 and 1970 Detroit schools lost 30,240 white students, even though the schools were highly racially segregated and the city was not under court-ordered or voluntary desegregation.

In addition to the limited data Coleman employs, his selection of cities is also highly questionable. Large- and middle-sized school districts were selected on the basis of ill-defined and somewhat inconsistent criteria. Partitioning of the cities into the larger group showing a desegregation effect and another group not showing this effect seems to have been heavily influenced by Dr. Coleman's desire to demonstrate a strong desegregation effect. As will be demonstrated later, it is only through including a few particular cities among the largest 19 that Coleman was able to show such an effect. Atlanta and Memphis are unusually strong in their contributions toward strengthening this effect.

**Problems with White Flight and Measures of Desegregation**

It is obvious that little of significance can emerge from a line of research for which the dependent variable can be called into question. Yet, with "white flight" (the dependent variable in this case), we seem to have Coleman's characterization of a foregone conclusion. The term

itself suggests that whites are taking independent individual action in escaping from aversive conditions. Official policies taken to bring about urban segregation, both obvious and "hidden policies," are simply not recognized by Coleman. Individual actions are more often than not related to the actions of authorities, such as school administrators and realtors who practice housing discrimination.

Another important question is whether Coleman's measure of changes in white school enrollment really gets at the effect at all. This measure of percentage change in the *absolute* number of white students is obviously inadequate when contrasted with Dr. Rossell's measure of the change in the *proportion* of white students. Rossell's measure takes into account the relative numbers of black and white students as it relates to flight. But it is characteristic of Coleman's analyses, as well as his public statements, to consider this entire issue from the standpoint of whites more than from the perspective of both blacks and whites.

In general, it appears that the measure Coleman chose serves to magnify the strength of the association purportedly found between desegregation and white flight.

Coleman's means of selecting his major independent variable, school desegregation, further renders his conclusions questionable. First of all, there are several ways to take a measure of desegregation. Gregg Jackson has pointed out that Coleman himself used two different indicators of desegregation. One indicates racial proximity and is defined as the proportion of blacks in the average white pupil's school. The other is a measure of segregation. It is calculated as the ratio of the proportion of blacks in the average white pupil's school to the proportion of blacks in the whole school district. Jackson reports that Coleman carried out separate analyses for each of these indicators. While the index of racial proximity is not a good indicator of segregation, Coleman reports it in his findings despite the fact that the index of segregation yielded evidence for a much smaller "white flight" effect. This apparent practice of specific selection of an indicator in order to highlight the effect of interest seems related to the selection of certain cities, including Atlanta and Memphis.

**Research with Results Contradicting Those of Coleman**

We have argued that at every step in the sequence of conducting research, from the collection of data to its final analysis, Coleman has failed to recognize several relevant aspects of this very complex situation. Commission of such errors would be expected to lead to erroneous conclusions, and this is precisely what several other studies suggest. We will discuss these studies whose conclusions are not in agree-

ment with those of Coleman, and then describe a recent analysis conducted by Dr. Pettigrew.

First, a study by Jane Mercer and Terrence Scout, of the University of California at Riverside, was not able to demonstrate demographic differences between 23 desegregating school districts and 67 non-desegregating districts in California.

More perplexing than the Mercer-Scout failure to replicate Coleman's basic finding on a set of districts limited to California are the similarly negative results reported by Reynolds Farley using national data from the same source as used by Coleman. Farley failed to uncover a significant relationship between the variables of "white flight" and desegregation in cities of either the South or the North.

Farley's research, however, differed from that of Coleman's in several ways. (1) Farley used a larger sample of cities, 50 in the South and 75 in the North. Rather than limiting his sample, he considered all cities with a 1970 population of 100,000 or more and at least 3 percent of their public school enrollments black. He also ran analyses with just the 20 largest cities of each region. (2) Farley investigated the 1967 to 1972 period rather than Coleman's 1968 to 1973. (3) Rather than relate annual changes in the variables to each other, as in Coleman's second analysis, Farley related the variables across the entire 5-year span. (4) Farley employed only elementary school data, while Coleman employed data from all grades. This difference, however, should have been unimportant, since Coleman showed no differences across the grades.

Farley was unable to show for either his extensive urban samples or for his subsamples of the largest cities any systematic relationship between white loss and school desegregation. He concluded:

> To be sure when public schools are desegregated or when they become predominantly black, some white parents—perhaps many—hasten their move away from the central city. However, whites are moving out of central cities for many other reasons. We have shown that cities whose schools were integrated between 1967 and 1972 did not lose white students at a higher rate than cities whose schools remained segregated.

Why should the two studies with comparable data reach opposite conclusions?

Farley offered two possible explanations for the diverse results. The 1-year effect that Coleman uncovered may well represent only a hastening of some whites to leave the central city who were about to do so in any event. Once a longer span of years is viewed, as in Farley's analysis, this "hastening" effect disappears. Farley's second sug-

gested answer involves again the special role played by Atlanta and Memphis in Coleman's more limited sample.

Luther Munford, of the Law School of the University of Virginia, presented the results from his study of 30 school districts in Mississippi undergoing extensive school desegregation from 1968 to 1970. He attacked the notion of an inevitable "tipping point," and demonstrated that, for his sample, "white flight" was explained by the black/white ratio in the population as a whole rather than just the ratio in the schools. The black population proportion explained 88 percent of the district variance in the loss of white enrollment across the 30 districts; and three-fourths of even the majority-black schools in these districts actually increased or maintained their white student percentage between spring and fall of 1970 after segregationist resistance had subsided.

Another paper, by Gary Orfield, a political scientist at Brookings, provides a political analysis of "white flight research." "Too often," he warned, "selective, half-digested reports of preliminary research findings are disseminated by the media and become weapons in the intense political and legal battle being fought in major cities." He emphasized the complexities involved in sorting out the various forces working toward accelerated suburbanization. "It is impossible now," he concluded, "to demonstrate that school integration, in itself, causes substantial white flight." Orfield described the severe long-term problem of "flight" from the central city as *not* caused by desegregation but as often undermining the viability of the process. The inner suburbs will soon face the same demographic trend. The problem, then, does not simply translate into the need for housing integration alone. Indeed, he argues, "It is hard to imagine how stable housing integration, involving large numbers of blacks, could be achieved in any reasonable period of time without a framework of area-wide integrated schools." His conclusion echoes a widespread consensus among race relations specialists:

> There is no evidence that stopping school desegregation would stabilize central city racial patterns. If those patterns are to be significantly modified, positive, coordinated, and often metropolitan-wide desegregation efforts will probably be required.

Christine H. Rossell, in a paper presented at the annual meeting of the American Political Science Association earlier this year, presents results conflicting strongly with those of Coleman. Her analyses were carried out by examining year-by-year trends in white enrollment for each city separately. For 35 cities identified as actually reassigning pupils for desegregation purposes, only 5 showed pre-post desegregation

trend differences in the loss of white students, and only 3 showed a different rate of white student loss in the year immediately following desegregation efforts (1 of which was in a direction opposite to that predicted based on Coleman's major conclusions). While the cities used by Rossell differ slightly from those used by Coleman, there was still a great deal of overlap.

Of the eight cities whose desegregation efforts were prompted by court order, only two had significantly different pre-post desegregation trends in the loss of white students and a greater rate of white student loss in the year following implementation of the desegregation plan (Pasadena and Pontiac). Two districts located with Pasadena in the San Gabriel Valley and unaffected by desegregation experienced greater loss of whites during these years than did Pasadena itself. As with Farley's results, the question arises: Why do Rossell and Coleman reach such different conclusions? Again we must consider the differences in their approaches and data.

Though both investigators based their work on the HEW data, Rossell expanded her data base considerably. In addition to HEW's 1968–72 data, she utilized the agency's 1967 data which Coleman failed to use. She also obtained as much information as is available from before 1967. This expansion of her data base farther back into the 1960s allowed Rossell to develop more accurate and reliable predesegregation racial enrollment trends. Coleman, we noted earlier, in his third analysis based his calculations on the single base year of 1968.

**A New Analysis**

Tom Pettigrew recently completed a fourth analysis to lend, hopefully, some clarification to this complicated analytic puzzle. His point is a simple one that was alluded to earlier. Much of Coleman's effect may be a function of the particular subsets of large urban systems chosen for analysis and emphasis. The exclusion and inclusion of particular cities into the critical final subset of the "largest" urban school districts, then, may well enhance the effect at issue.

Pettigrew tested this additional explanation for the contradiction between the three studies for two interrelated reasons. As noted earlier, Coleman's choice of the "largest" urban school districts seems somewhat arbitrary on its face. Second, the scatter diagram in figure 1 suggests that the particular subsets of cities he chose to analyze did in fact maximize the probability of his obtaining an association between the loss of white students and desegregation. Let us further explore these two points.

Recall that Coleman did not list the urban districts in his sample in his first paper. Only 3 months later was the list of the 20 "largest" urban school districts revealed. Washington was immediately dropped for its lack of white students, leaving only 19 in this crucial subset of urban districts. We would not question the decision to drop Washington because of its tiny percentage of white pupils, but we wonder why a comparable cutoff was not also employed for districts with tiny percentages of black students. Coleman analyzed Garden Grove, Anaheim, and San Jose, all in California, though they each had less than 2 percent black school enrollment.

But these are *not* the largest 19 urban school districts in the United States. Omitted and never mentioned in any of the four versions of Coleman's paper are Miami-Dade, Jacksonville-Duval, and Ft. Lauderdale-Broward, all county-wide urban systems in Florida. On whatever grounds they were excluded, it did not involve the fact that they are metropolitan districts in Florida; Tampa-Hillsborough is also a metropolitan district in Florida, yet it was included in spite of being smaller than the three missing districts. Like Tampa, Miami and Jacksonville experienced widespread court-ordered desegregation without a significant decline in their white enrollment. Ft. Lauderdale actually experienced a 39.2 percent *increase* in white students from 1968 to 1972 while engaged in an extensive desegregation program. Thus, the unexplained exclusion of these three huge districts from Coleman's analysis may have contributed to his finding an effect of desegregation upon "white flight" where Farley's more inclusive sample did not.

Further complications were created when, for his second analysis, Coleman constructed his subset of "largest" urban districts to include Denver and San Francisco. These two additions, raising the number of cases from 19 to 21, were made because they "were two of the few northern cities to undergo extensive desegregation during the period 1968–72***." Albuquerque, whose system is larger than that of San Francisco, was excluded by invoking a new criterion: It "is not among the first 50 in population." No mention is made, however, of Nashville-Davidson, a system larger than San Francisco in an area ranking 30th in population, which had more court-ordered desegregation during these years than either Denver or San Francisco.

Nor is a rationale provided for why the line was drawn after San Francisco. This cutoff is particularly perplexing considering the fact that the next urban school system in size is that of Charlotte-Mecklenburg, North Carolina. This is the district involved in the critical *Swann* opinion of the U.S. Supreme Court that Coleman attacked as too sweeping in his Boston television appearance. Under court orders, this

metropolitan district achieved a larger drop in Coleman's segregation index than any in his big-city sample except Tampa.

A less arbitrary cutoff could have been achieved by following Farley's procedure of choosing *all* urban school districts which had over a certain number of students in a given year. Employing Coleman's own rankings by 1972 enrollment, a cutoff of all urban districts with more than 75,000 students would not only have included Miami, Jacksonville, Ft. Lauderdale, Denver, Nashville, Albuquerque, and San Francisco, but also Charlotte, Newark (New Jersey), Cincinnati, and Seattle. All of these additional cities are among the Nation's 50 largest cities except Albuquerque, Ft. Lauderdale, and Charlotte.

To test the effects of these various selections of urban school districts, Coleman's time period (1968–1973), his definitions of "white flight" and desegregation, and even his data as provided in appendix 3 of the fourth version of his paper were employed. The two principal control variables that Coleman used in both his initial and later analyses—the black student proportion and the size of each school system—were also employed. However, in order to avoid the error introduced by residential transition, Pettigrew used Farley's over-time method of comparing 1968 data with those of 1973 rather than Coleman's year-by-year procedure.

Figure 1 presents the basic data in simplest form. The unmarked points on the graph are the original 19 of Coleman's big-city analysis; the two circled points denote Denver and San Francisco that were later added by Coleman for his final big-city sample of 21; the four points in triangles denote Miami, Jacksonville, Ft. Lauderdale, and Nashville, that should have been included in the sample of the country's "largest" urban school districts; and the five points in boxes denote Albuquerque, Charlotte, Newark, Cincinnati, and Seattle, that would be included if a standard cutoff of 75,000 students in 1972 were applied.

Figure 1 indicates the relationship between the amount of desegregation from 1968 to 1973 across the abscissa and the percentage change in white enrollment over these same years down the ordinate. The graph is further subdivided at the medians into four quadrants: high desegregation and low loss of white students; high desegregation and high loss; low desegregation and low loss; and low desegregation and high loss. The relationship at issue requires a strong tendency for these 30 cities to lie in a lower-left to upper-right diagonal; that is, they should fall predominantly in the high desegregation-high loss and the low desegregation-low loss.

The first thing to notice about figure 1 is that the heralded positive association does not exist. Only a minority of the 30 cities fall in the

two predicted quadrants. The correlation is –.30. This replicates Farley's results. The second thing to notice is how important the two extreme points in the lower left are for Coleman's argument. Not surprisingly, these points denote Memphis and Atlanta. Throughout our discussion we have emphasized how critical these two cities are in Coleman's statistics; figure 1 shows how unique they are among the Nation's 30 largest urban school systems. Next notice that Denver and especially San Francisco are in the high desegregation and high loss quadrant; recall these are the two districts added as an afterthought for Coleman's second analysis.

Now check where the points are that denote the nine cities that should have been included in the big-city sample. Six of the nine are located in the high desegregation and low loss quadrant, including all four of the districts larger than that of San Francisco. The remaining three, Cincinnati, Newark, and Seattle, are located in the low desegregation and high loss quadrant.

This third failure to replicate Coleman's "white flight" results, consistent with the findings of both Farley and Rossell, demonstrates the critical importance to Coleman's study of the rather special and arbitrary subset of "largest" urban school districts which he chose to analyze and emphasize.

**Summary**

We believe that taken all together the research on desegregation and "white flight" permits only a few conclusions. The following are the most important of these:

1. *Desegregation and "white flight" are not related in the smaller cities.* Even Coleman admits this.

2. *There is little or no effect of desegregation on the "white flight" of students in metropolitan-wide districts.*

3. *Desegregation required by Federal court orders has not had different effects on "white flight" from other desegregation of equal magnitude.*

4. *The loss of white and black students from large urban school systems is significantly related to the proportion of black students in the systems.*

5 *Extensive school desegregation in the largest, nonmetropolitan school districts, particularly in the South, may hasten the "white flight" of students in the first year of the process; but at least part of this effect may be compensated for in later years.* Coleman showed only a 1-year effect, part of which reflected neighborhood transition. Rossell *also* showed this effect in the first year for rapidly desegregating urban districts in the North. But she showed, too, that by the second and third years these same districts have an average rate of reduction in their white

proportions below both their own predesegregation rate and those of other districts.

**Social Science and Public Policy**

Studying Coleman's position is a confusing and disturbing endeavor. The information necessary to evaluate Coleman's much-publicized research has been consistently difficult to obtain. Throughout the furor there has been confusion between his limited research and his sweeping views against court-ordered desegregation. We believe that the whole episode goes far beyond Professor Coleman's research and even the racial issues involved, in that it raises painful questions of how social science should relate responsibly to public policy and the ethics involved in this relationship. This extensive campaign to alter public policy by such a prominent social scientist highlights the thorniest aspects of this problem that must be faced.

From April until August, the social science community was not provided with the analysis upon which Coleman's widely-publicized opinions were reportedly based. The details of the first analysis that began the campaign were never released. The second draft of the paper presented an entirely new analysis with a different research design. Indeed, a third entirely different analysis was introduced in September. All told, there have been three contrasting analyses, and four editions plus a 39-page erratum edition of the paper extending over a 7-month period. The views did not change, but the research upon which they were said to be based was constantly changing. Telephone calls to the Urban Institute in June requesting methodological detail were summarily rejected on the grounds that the analysis was "still in progress." Yet this was after 2 months of nationwide publicity of policy recommendations that were said to flow from this "still-in-progress" research.

What made the 4-month delay even more "unfortunate" was the consistent confusion between Coleman's personal opinions and his research findings. Most of the hundreds of articles and editorials that have been written about the episode advanced Coleman's views as if they were the results of a new and massive study of urban desegregation. Yet the connection between Coleman's views and Coleman's research data is tenuous at best and quite conflicting. While he is cautious before scholars, before the media he is expansive, loose, opinionated, and speculative.

Every social scientist, like any other citizen, has a right to express his full political views on any subject without the support of research results. Ethical problems arise, it seems to us, when the social scientist's views are put forward not as political opinions at all but as

results of his own extensive scientific investigation, as "new insights from recent research."

Further problems arise when strongly-worded, *ad hominem* attacks enter the controversy. Some critics have employed such attacks upon Coleman; and we have seen how Coleman has consistently employed similar attacks upon virtually all of his critics regardless of the moderation of their opposition. We regret such *ad hominem* remarks deeply. They make "good copy" for the mass media, perhaps, but they lower the public's respect for social science, and divert public attention away from the real issues.

Coleman's statements and appearances at antibusing rallies suggest that he is thoroughly and unquestioningly certain that his views are correct. Those who dare disagree with him must suffer from "motivated blindness," must be part of "a kind of conspiracy of silence," must mistake race riot fires for "an extraordinary display of the Northern lights," or must be "a lot of old people who would rather pursue a common path and attempt to ignore the fact that this [desegregation] may be having unintended and undesired consequences." Agreeing with conventional wisdom on the subject, he sees massive "white flight" in major cities as a consequence of court-ordered desegregation to be so completely obvious that his many critics must have forsaken their social science training for their unrealistic political hopes. We all believe in our own ideas; but, when dealing publicly with issues of enormous policy significance, we have a special obligation to at least entertain the hypothesis that we may be wrong whatever "our fond hopes about it."

We firmly believe that social science can and should responsibly influence public policy on issues in which it can competently bring research and theory to bear. Perhaps, specialized groups of social scientists, checked in part by peer review, can perform this task best. Individual social scientists can also carry out this function responsibly by basing their views on published and widely available material in situations, such as courtrooms and legislative committee hearings, where they subject themselves to formal cross-examination or at least informed questioning. But intensive campaigns through the mass media present a hazardous means of injecting social science input into the political debates on policy.

In time, the public might understandably conclude from the seemingly "conflicting research results" that social scientists have nothing to contribute to policy debates except their own highly politicized opinions.

Coleman has consistently argued that "white flight" is the product of individual decisions and action. But he fails to recognize or admit

that there is a very large element of what may be called "hidden policy" in the causes of segregation. Such practices as planned segregation by realtors and "blockbusting" are the real reasons for residential segregation. And of course the latter are not caused by school desegregation.

Coleman has sought to show that school desegregation in the central cities leads to white flight to the suburban areas. While it is quite clear he has made an inadequate demonstration of this hypothesis, even if we were to assume he was correct, this would be an excellent justification for metropolitan desegregation. This would not mean the reorganization of several districts into a huge and unwieldy one. Rather, it might only mean that present urban boundaries would not be allowed to act as racial "Berlin walls."

One reason why Coleman's data are not sound is his entrapment in the ecological fallacy of inferring individual motivations from aggregate data. He has inferred that school desegregation causes "white flight." He has not asked one single individual about personal motivations.

For example, aggregate data from Harrisburg, Pennsylvania, may be used to infer that white movement was caused by school desegregation. But it would be at least equally plausible that the recent flood in that city caused this white relocation during the year of court-ordered desegregation.

Another example is Riverside, California, where aggregate data may lead one to conclude that school desegregation caused "white flight." But when the matter is studied more closely, it is quite obvious that the new freeway constructed there caused substantial white relocation.

Coleman argues that individuals should be free to choose the locations of their residence and the schools their children attend. For some individuals, there are real options. But severe restrictions on travel and housing are precisely what black people have been fighting for years. Although on one level it would seem that Coleman supports this black quest for equal housing and education, it appears that in reality he is arguing more for the rights of the majority.

According to Coleman, courts are the worst instruments of social change. It would even seem that he is concerned about the possibility that the courts will remove citizen's individual rights. This position is quite different from the one popular 10 years ago, which admonished blacks to get off the streets and into the courts. We take issue with Coleman's position on this issue and suggest also that he should reconsider his belief that desegregation must flow from the will of the community. It appears that the community he refers to is the white community. His suggestion that local communities should be able to decide

on the amount of desegregation they want is a dangerous one. What it clearly means, in effect, is that local decisions might be accorded more power than basic constitutional rights. And we should never abandon constitutional protections in favor of shifting local whims.

One of Coleman's basic tactics has been to take an advocacy position against school desegregation. He has only tenuous data for this, but this does not hamper his making unsupported public statements. Like a premature tryout of an ineffective and potentially dangerous new cure for cancer, the advocacy of an unsupported position by a recognized expert is a dangerous policy. Coleman should have recognized this, as well as the fact that once a reputed scholar takes an advocacy position, even his subsequent citation of contradictory evidence may not be given much public attention.

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# PUBLIC SCHOOL DESEGREGATION AND WHITE FLIGHT: A REPLY TO PROFESSOR COLEMAN

By Robert L. Green and Thomas F. Pettigrew*

In recent months, the media have accorded much attention to James S. Coleman for his position concerning the relationship between desegregation and "white flight." Coleman has been erroneously described as having changed his position on busing. It is suggested that he has revised his original position of support for busing. The *National Observer* headline of June 7, 1975, declared "A Scholar Who Inspired It Says Busing Backfired." Lansing, Michigan's, *State Journal* of June 1, 1975, claimed "Court-Ordered Integration Rapped by Sociologist Who Started It All."

Of course, Coleman cannot take the responsibility for having started the busing phenomenon. Indeed he has never claimed such credit.

Since Coleman is a highly regarded sociologist, his research and his recent and numerous public statements merit both attention and close

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scrutiny. In what follows, an attempt will be first made to trace the development of Coleman's research reports and his public statements. Several critical evaluations of this work will then be reviewed, including one the present authors have carried out. Finally, attention will be given to several basic issues in the conduct of social science research and the reporting of data.

## Coleman's First Paper

The episode began on April 2, 1975, with Coleman's delivery of "Recent Trends in School Integration," by J. S. Coleman, S. Kelly, and J. Moore, to the American Education Research Association meeting in Washington, D.C. This presentation focused on three major variables that the authors indicated related to "white flight": (1) the natural log of district size; (2) the district's 1970 black proportion; and (3) the increase in school desegregation from 1968 to 1970.

Among the points made in this first paper is Coleman's contention that for the 19 "largest," but unidentified, central-city districts both the proportion of black enrollment (variable 2) and the pace of desegregation (variable 3) are positively related to the number of white children leaving the public schools. For the next 50 largest central-city districts, however, the results are sharply different. Among these more typical cities, losses of white pupils are related positively to the district's size (variable 1) and the proportion of black enrollment (variable 2) but not to desegregation (variable 3).

Coleman derives from these findings his two major conclusions that integration does not promote achievement in black children and that the courts should not be an instrument of social policy.

## Coleman's Later Interviews

While, as with most academically oriented papers, the mass media gave the paper only minor coverage and comment, Coleman proceeded to grant numerous interviews to reporters. And in contrast to the caution of the initial paper, he was now blunt and far-ranging in his opposition to Federal court orders that required extensive urban desegregation. To Muriel Cohen of the *Boston Globe* (May 18, 1975), he argued that: "A whole generation of young legal talent thinks it can transform the society by winning court cases. That's enormously subversive of the whole political process in the United States." At another point, he added, "I don't know what judges are thinking."

To Bryce Nelson of *The Los Angeles Times* (May 29, 1975), a few weeks later, Coleman continued his attack. In addition, he told Larry

Ingrassia of the *Chicago Sun-Times* that "when the will for integration does not exist, the imposition of it by the courts doesn't make it successful."

Perhaps the most influential interview appeared in the *National Observer* (June 7, 1975). After summarizing his research results, he called the courts "the worst of all possible instruments for carrying out a very sensitive activity like integrating schools." Moreover, he contended that the courts were wrong to consider the [Coleman] report in any way. And they were also wrong when they attempted to eliminate all of the racial segregation in a school system. He proposed that the courts constitutionally should limit their actions to undoing the effects of official discrimination. He maintained that a very large proportion of school segregation by race and by social class is due to individual actions with which the courts should not interfere.

Coleman also "speculated" on the social psychological difficulties of big city schools. Desegregation seemed to cause "white flight" in only the largest central-city districts, he advanced, due to a much greater feeling of inability to have any impact on the schools, and because the schools cannot maintain order or protect children. He even voiced the opinion that this feeling stems from the failure of big city schools "to control lower class black children."

When pressed for policy recommendations, Coleman advocated activities that encourage racial intermarriage.

All this was big news. Almost at once, newspapers throughout the Nation ran "Coleman" stories; and conservative editorialists had a field day. Educational writers on additional newspapers and news magazines began to seek their own interviews with Coleman. Rarely, if ever, has a sociologist been so sought out by the media for his opinions. While he had earlier been reluctant to deal with the media, soon he granted a dozen or more separate interviews, many of them by phone.

In July, Coleman flew to troubled Boston and participated in an hour-long question-and-answer commercial television program entitled "Another Look at Busing," on WNAC-TV. He began by admitting that his "very appearance may be mischievous" in Boston, since the court ruling had already been handed down, but he continued to attack the Federal courts for moving against the segregation caused by what he saw as "individual action."

## *The New Analysis and the Second Coleman Report*

As the questioning of his initial analysis grew more widespread, Coleman and his colleagues at the Urban Institute undertook a second,

more sophisticated, and sharply different analysis in a second, 67-page document dated July 28, 1975, and entitled, "Trends in School Segregation, 1968–73."[1] This second paper was distributed to a small number of social scientists who were invited to attend a 1-day discussion with Coleman at the Urban Institute on August 4.

The new analysis attempted to ascertain the average effect of desegregation upon the loss of white students between each of the 6 school years from 1968 to 1973. In other words, unlike his initial analysis which looked at white student loss during 1970–73 *after* desegregation in 1968–70, Coleman now looked for the concurrent effect of desegregation in the same year. Thus, reductions in desegregation in 1968–69 were related to white student losses in 1968–69, and so on for each of the 6 years across the 69 central cities. Once again the sample was somewhat arbitrarily split into two on the basis of system size.

The results, which were not made available until October, are obtained through use of a set of prediction equations and consist of the regression coefficients together with their standard errors in parentheses and the variance accounted for by the predictors (see table 1a). In several cases the standard errors are *larger* than the coefficients implying that many of the variables contribute little to the prediction. The two equation 1's use only three variables to predict white student loss: annual changes in public school desegregation ($\Delta R$), the proportion of black student enrollment (Prop. black), and the natural log number of total students (ln N). About 29 percent of the variance in white student changes among the largest cities and about 26 percent of the variance for the medium-sized cities are explained by these three variables.

The second set of equations do not substantially improve the prediction. They add two more predictors—the degree of interdistrict school segregation in the Standard Metropolitan Statistical Area (R SMSA) and the interaction of desegregation with the South ($\Delta R$ X SOUTH). About 36 percent and 35 percent, respectively, of the variance of annual white student change are accounted for by this array of five predictors.

The interesting and dramatic increase in predictive power for the largest cities occurs in equation 3. Here three more predictors have

[1] J. S. Coleman, S. D. Kelly, and J. Moore, "Trends in School Segregation, 1968–73." (Unpublished second version, July 28, 1975) Urban Institute, Washington, D.C. (hereafter referred to as *Coleman Two*). Note that the hardening of Coleman's political position is reflected in the shift of the title from "school integration" in the first version to "school segregation" in all later versions.

**TABLE 1**

**Prediction of White Enrollment Changes (1968–73) for Various Subsets of Large School Districts**

| | *First-Order Correlations* | | | | *Partial Correlations* | |
|---|---|---|---|---|---|---|
| | *A. Prop. of Blacks, 1968* | *B. Desegregation 1968–73* | *C. Natural Log System Size, 1972* | *D. 3 Variable Multiple Correlation* | *E. Prop. Black with Size and Desegregation Held Constant* | *F. Desegregation with Size and Prop. Black Held Constant* |
| A. Original 19 Districts | +.610 | -.062 | +.003 | .612 | +.610 | +.059 |
| B. Original Districts Plus Denver and San Francisco | +.522 | -.026 | -.048 | .535 | +.531 | +.087 |
| C. 27 Districts Whose Cities Rank in 50 Largest | +.577 | -.174 | -.081 | .583 | +.556 | +.023 |
| D. 21 Districts of B. Plus Miami, Jacksonville, Nashville, and Ft. Lauderdale | +.516 | -.256 | +.034 | .525 | +.470 | -.108 |
| E. Full 30 Districts | +.574 | -.298 | +.020 | .584 | +.523 | -.123 |

Data Sources: For the original 19 "largest" school districts plus those of Denver, San Francisco, Albuquerque, Newark, Charlotte, Cincinnati, and Seattle, the data for these analyses are taken from J. S. Coleman, S. D. Kelly, J. A. Moore, "Trends in school segregation, 1968-73." The Urban Institute, Washington, D. C., August 1975; Appendix 3. For the four cities omitted from Coleman's analyses and Appendix 3 (Miami, Ft. Lauderdale, Jacksonville, and Nashville), enrollment data are from the same HEW source utilized by Coleman; and the desegregation estimates are taken from Farley's index for elementary desegregation, 1967-72, which for other districts closely approximate those of Coleman's index for all grade levels, 1968-73.

## TABLE 1a

### Coleman's Basic Regression Coefficients for Analyses of White Student Loss to Central Cities

| *Equation 1* | *"Largest" 21* | *Next 46* |
|---|---|---|
| ΔR (desegregation) | .279 (.062) | .056 (.026) |
| Prop. black students | -.133 (.028) | -.090 (.014) |
| ln N (system size) | .000 (.008) | -.042 (.010) |
| Constant | .013 | .452 |
| $R^2$ | .29 | .26 |
| Number of Observations | (105) (226) | |
| Including interdistrict segregation in SMSA, and interaction of desegregation with South: | | |
| *Equation 2* | | |
| ΔR (desegregation) | .199 (.156) | -.148 (.137) |
| Prop. black students | -.044 (.039) | -.035 (.016) |
| ln N (system size) | .066 (.008) | -.041 (.010) |
| R SMSA | -.165 (.050) | -.110 (.021) |
| ΔR x S | .143 (.170) | .242 (.137) |
| Constant | -.059 | .438 |
| $R^2$ | .36 | .35 |
| Including interactions of desegregation with proportion black and interdistrict segregation, and also including South as a dummy variable: | | |
| *Equation 3* | | |
| ΔR (desegregation) | -.459 (.184) | -.349 (.151) |
| Prop. black students | .051 (.037) | -.026 (.019) |
| ln N (system size) | .003 (.006) | -.039 (.009) |
| R SMSA | -.210 (.044) | -.102 (.025) |
| ΔR x South | .148 (.198) | .244 (.145) |
| ΔR x Prop. black | 1.770 (.307) | .511 (.215) |
| ΔR x R SMSA | .561 (.494) | .894 (.314) |
| South | -.006 (.010) | -.002 (.006) |
| Constant | -.089 | .414 |
| $R^2$ | .60 | .40 |

Source: J. S. Coleman, S. D. Kelly, and J. A. Moore, "Insert for trends in school segregation, 1968–73." (Unpublished erratum, October 1975) Urban Institute, Washington, D.C., p. 37.

been inserted: a dummy (dichotomous) variable for the South and the interactions of change in desegregation with both interdistrict metropolitan segregation (ΔR X R SMSA) and the black proportion of students (ΔR X PROP. BLACK). Now 60 percent of the variance is explained by this eight-variable prediction. But this improvement is largely a function of the interaction between annual desegregation changes in a school system *and* the system's proportion of black pupil enrollment.

The predictive power of this interaction suggests that so-called "white flight" is not so much a function of desegregation *per se* as it is of the conditional relationship between desegregation in particular situations related to the percentage of black children in a large central city's public schools.

Coleman next attempted to determine if the loss of whites he attributes to desegregation was largely confined to the first year of the process or continued on into later years. Though his results on this point are erratic, he concluded that the presumed effect of desegregation was concentrated in the first year. Then, in partial answer to his critics who had stressed additional variables related to so-called "white flight," Coleman tried to hold constant factors unique to each city by introducing into the regression equations a dummy (dichotomous) variable for each city. This effort at statistical control only slightly reduced the equation 1 coefficient for desegregation in predicting changes in the total number of white pupils in the large cities (from +.277 to +.258); but it does not remove the need for more independent variables.[2]

Finally, Coleman carried out what he reported as a full analysis of covariance that considered not only the rate of desegregation and dummy variables for each city but also the statistical interactions between them (see table 1b). While of the large cities used in his analysis only eight actually had substantial desegregation, the public furor was supposedly based on these analyses. Two of the estimates involve actual *gains* in white students; four others have only modest estimated losses in white students (from 2.6 percent to 7.9 percent): The only estimates approaching a "massive" loss—as often cited in the press—involve Memphis and Atlanta. Note, too, that the average estimated loss for the eight cities is only 5.2 percent. And without Memphis and Atlanta, the average is only 1.5 percent. Again we see what

[2] The use by Coleman of dummy variables for each city is ingenious, but it includes unmeasured variables only if they are constant over the entire period. Many of the additional variables that have been suggested probably do not possess such consistency.

## TABLE 1b

**Reduction in Segregation 1968–1973, Expected and Actual Loss of White Students 1969–1973, 22 Largest Central City Districts**

| *District* | *Reduction in Segregation* | *Proportion of Whites Present in 1969 Lost by 1973* | |
|---|---|---|---|
| | | *Expected (based on city's 1968–69 loss[1])* | *Actual* |
| 1. New York | (+) .03 | .11 | .16 |
| 2. Los Angeles | .07 | .15 | .20 |
| 3. Chicago | (+) .02 | .16 | .25 |
| 4. Philadelphia | (+) .08 | .13 | .13 |
| 5. Detroit | .04 | .33 | .30 |
| 6. Houston* | .17 | .19 | .29 |
| 7. Baltimore | .02 | .10 | .16 |
| 8. Dallas* | .22 | .05 | .25 |
| 9. Cleveland | (+) .02 | .21 | .12 |
| 10. Washington | .04 | .36 | .42 |
| 11. Memphis* | .61 | (+) .10 | .37 |
| 12. Milwaukee | .02 | .07 | .16 |
| 13. San Diego* | .13 | .01 | .08 |
| 14. Columbus, Ohio | .04 | .07 | .12 |
| 15. Tampa* | .74 | (+) .09 | (+) .11 |
| 16. St. Louis | (+) .03 | .17 | .25 |
| 17. New Orleans* | .15 | .14 | .38 |
| 18. Indianapolis* | .28 | .10 | .24 |
| 19. Boston | (+) .03 | .11 | .15 |
| 20. Atlanta* | .37 | .26 | .59 |
| 21. Denver* | .38 | .09 | .20 |
| 22. San Francisco* | .31 | .39 | .33 |
| *Average for 10 cities which had 0.1 or more reduction in segregation | | .10 | .26 |
| Average for 12 cities which had less than 0.1 reduction in segregation | | .17 | .20 |

[1]Expected loss equals $1-(1-x)^4$, where x equals the proportion white students lost in 1968–69.

a crucial role just two atypical southern cities play in Coleman's public argument against court-ordered urban school desegregation throughout the United States. His own conclusion was less specific: "They show that the estimated white loss does vary considerably from city to city, and that the average loss rate specified earlier obscures very different loss rates in different cities."[3] Unfortunately, Coleman has consistently failed to make this point forcefully in his Boston television appearance, his court affidavits, and his many public interviews.

## The Urban Institute Meeting Response

The Urban Institute called a meeting at its offices in Washington on August 4 to review in detail this second draft.[4] Coleman, his coauthor Sara Kelly, and the president of the institute, William Gorham, chaired the 1-day session. The attendees included Tom Pettigrew. The criticisms and reservations concerning the second paper expressed by the review panel centered on three domains: (1) the political context of the study; (2) the demographic context of the study; and (3) methodological issues.

**The political context.** Coleman opened the meeting by asking the group to limit comments to the research paper under discussion rather than to his opinions on the subject that had attracted so much public attention. This request was politely rejected by many present on two grounds. First, his opinions had been advanced in the mass media as if they derived directly from this research. Second, both the design and the interpretation of the study were heavily influenced by its author's opinions. Separation of the research from Coleman's much-publicized opinions was clearly unrealistic.

There was general agreement that the research did not involve many of the subjects that the public thought it involved. Hence, the research was *not* about achievement, classroom disruptions, and the behavior of poor black children—all subjects about which Coleman had expressed opinions in his interviews. It was not even about "busing" and court orders. In fact, it was not strictly speaking even about "white flight," a label that prejudges the cause of the phenomenon. Rather it concerned changes in white student enrollment in urban public school systems as a function of school desegregation achieved by any means.

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[3] *Coleman Two*, p. 62; J.S. Coleman, S.D. Kelly, and J. Moore, "Trends in School Segregation, 1968–73." (Unpublished paper, August 15, 1975) Urban Institute, Washington, D.C., p. 62 (hereafter referred to as *Coleman Three*); and J.S. Coleman, S.D. Kelly, and J. Moore, *Trends in School Segregation, 1968–73* (fourth version). Washington, D.C.: Urban Institute, August 1975; pp. 71–72 (hereafter referred to as *Coleman Four*).

[4] A partial, edited transcript of this meeting is available from the Urban Institute (2100 M Street, N.W., Washington, D.C., 20037).

Even the design of the study reflected its political context. It had been set up to test the narrow question of whether the racial desegregation of urban schools leads to a greater loss of white students. If one set out to formulate a complex causal model of changes in white student enrollment, one would proceed quite differently, ask far broader questions, and utilize a greater variety of predictor variables.

**The demographic context.** Precisely because the study had been designed and interpreted so narrowly, the broader demographic context of the problem was virtually ignored. The problem was being viewed by Coleman, noted one demographer, in a "vacuum." The growing concentration of whites in the suburbs and blacks in the central cities has been a massive phenomenon over the past three decades. Without a trend extending back before 1968 in which to view this residential segregation of the races within the Nation's metropolitan areas, any study that considers only the 1968 to 1973 period will necessarily be myopic and misleading.

As it stands, the study pays little attention to possible annexations of white suburbs into central cities, confounds race with social class, ignores differences across cities in residential segregation patterns, and does not allow for differential birth rates by race. White student totals declined during this period partly as a function of the rapidly falling white birth rate in the 1960s, the failure of whites to move *into* the central city in typical numbers, the changing white age structure, and the rise in noneducational urban problems that drove both white and black families out of the city.

Further, Coleman assumes that any loss of white students beyond the "expected" number in the year of desegregation was necessarily "white flight"—white families with schoolage children fleeing interracial schools for white private and suburban schools. But this assumption is only inferred from aggregate data; not one white family was actually asked about its motivations. There is a great danger, then, of committing a classic ecological fallacy—incorrectly inferring *individual* motives from only aggregate data.[5] This problem is heightened by the fact that Coleman bases his entire policy argument upon "individual action," yet he did not measure these actions directly. Enrollment data from individual schools within systems would have narrowed this problem, but such data are not readily available.

**Methodological issues.** The review panel criticized strongly the use of average "effects" derived from the regression equations. And nu-

[5] See the discussion of the ecological fallacy by W.S. Robinson, H. Menzel, and H. C. Selvin reprinted in: S.M. Lipset and N.J. Smelser (editors), *Sociology: The Progress of a Decade*. Englewood Cliffs, N.J.: Prentice-Hall, 1961; pp. 132–152.

merous panel members expressed reservations about presenting any effect estimates when: (1) a third of the standard errors were larger than their coefficients; and (2) many of the variables are predicting very little. A misspecified model is particularly dangerous to use for predicted "effects." Yet these questionable average "effect" estimates were widely cited in interviews and discussions of Coleman's position.

The panel also focused upon the dependent variable. White pupil changes in enrollment, after all, constitute a single *net* indicator of gains as well as losses. The inability to decompose it into its many constituent parts severely limits the interpretation of the findings. Moreover, the causal sequence inferred from the correlation between desegregation and white enrollment shifts, the panel noted, may often be wrong. In Detroit, Birmingham (Alabama), Atlanta, and Memphis, a large reduction in white students occurred first and was then followed by desegregation. For example, Atlanta's major school desegregation effort did not occur until 1972–73, but its public school system had reached 62 percent black enrollment 4 years earlier.

Mention of Atlanta and Memphis raises again the recurrent theme of the critical importance in Coleman's results of these two special cases. In most of his interviews, Coleman cited both of these cities to support his position against court-ordered desegregation in central cities. But these cities are extreme cases and disproportionately contribute to his findings. Recall that his results are strongest for large cities in the South. It was suggested that if this study were to be taken as a guideline to future *national* policy then the presumed effects of urban desegregation should be demonstrated for the subset of large central cities with Atlanta and Memphis removed from the analysis.

Perhaps the most serious question raised by the review panel concerned the failure of earlier research to uncover Coleman's key result linking reductions in school segregation with reductions in the numbers of white pupils. Jane Mercer and Terrence Scout of the University of California at Riverside, for instance, had earlier shown no demographic differences between 23 desegregating school districts and 67 nondesegregating California districts.[6]

More perplexing than the Mercer-Scout failure to replicate Coleman's basic finding on a set of districts limited to California are the similarly negative results reported by Reynolds Farley using national data from the same source as used by Coleman.[7] Farley failed to uncover a significant relationship between the two variables in cities of either the South or the North.

[6] J.R. Mercer and T.M. Scout, "The relationship between school desegregation and changes in the racial composition of California school districts, 1963–73." (Unpublished paper) Sociology Department, University of California, Riverside, 1974; p. 28.

[7] R. Farley, "Racial Integration in the public schools, 1967 to 1972: Assessing the effects of governmental policies," *Sociological Focus*, January 1975, *8*(1), 3–26; and R.

Farley's research, however, differed from that of Coleman's in five ways. (1) Farley used a larger sample of cities, 50 in the South and 75 in the North. Rather than limiting his sample, he considered all cities with a 1970 population of 100,000 or more and at least 3 percent of their public school enrollments black. He also ran analyses with just the 20 largest cities of each region. (2) Farley investigated the 1967 to 1972 period rather than Coleman's 1968 to 1973. (3) Rather than relate annual changes in the variables to each other, as in Coleman's second analysis, Farley related the variables across the entire 5-year span. (4) Farley employed only elementary school data, while Coleman employed data from all grades. This difference, however, should have been unimportant, since Coleman showed no differences across the grades. (5) Farley used a dissimilarity index for his measure of school segregation, which differs from the index used by Coleman. These two indices both measure whether black and white students attend the same schools and are independent of the school districts' racial compositions. For a sample of 2,400 school districts, it has been shown that the two indices are correlated at +.88.[8]

Farley was unable to show for either his extensive urban samples or for his subsamples of the largest cities any systematic relationship between white loss and school desegregation. He concluded:

> To be sure when public schools are desegregated or when they become predominantly black, some white parents—perhaps many—hasten their move away from the central city. However, whites are moving out of central cities for many other reasons. We have shown that cities whose schools were integrated between 1967 and 1972 did not lose white students at a higher rate than cities whose schools remained segregated.[9]

Why should the two studies with comparable data reach opposite conclusions?

Farley offered two possible explanations for the diverse results. The 1-year effect that Coleman uncovered may well represent only a hastening of some whites to leave the central city who were about to do so in any event. Once a longer span of years is viewed, as in Farley's analysis, this "hastening" effect disappears. Farley's second sug-

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Farley, "School integration and white flight." (Unpublished paper) University of Michigan, Ann Arbor, Michigan, July 1975 (delivered at the Symposium of School Desegration and White Flight held at the Brookings Institution, Washington, D.C., August 15, 1975.

[8] Barbara Zolotch, "An investigation of alternative measures of school segregation," *Institute for Research on Poverty Discussion Papers*, University of Wisconsin, Madison, Wisconsin, 1974.

[9] Farley (July 1975), *op. cit.*, p. 10

gested answer involves again the special role played by Atlanta and Memphis in Coleman's more limited sample.

### The Interviews Continue

The media continued to devote attention to Coleman's views throughout August and September. The *New York Times Magazine* of August 24 printed yet another interview entitled "INTEGRATION, YES: BUSING NO," in which Coleman repeated his now-familiar arguments, including his "entitlement" idea for central-city children to choose any school in their metropolitan area. Intermeshed with his discussion of his research were renewed attacks upon "busing."

Coleman did, however, introduce two new pieces of data into his argument, both of which are questionable. He stated flatly that: "Surveys indicate that a majority of blacks as well as whites oppose busing." This conflicts with the results of a November 1974 Gallup survey, which established that 75 percent of "nonwhite" respondents in a national sample favored "busing school children to achieve better racial balance in schools."[10] He also presented his big-city data for the first time in an unconventional fashion to indicate that desegregation causes additional "white flight":

> Eleven cities out of the first 19 experienced little or no desegregation at all between 1968 and 1973. Based on the white loss that occurred in these 11 cities in 1968–69, they would have been expected to lose 15 percent of white students between 1969 and 1973; their actual loss was 18 percent, only slightly greater than expected. Eight cities experienced some desegregation; some of those experienced large desegregation, others not so large. Those eight cities, based on their losses in 1968–69, before desegregation occurred, would have been expected to lose only 7 percent of white students between 1969 and 1973; they actually lost 26 percent, nearly four times what would have been expected.

This misleading statement actually refers to a *third* analysis, completely different from the two previously described. It makes no use whatsoever of the earlier regressions and appeared for the first time in the fourth version of Coleman's ever-changing study.[11] But Coleman continued to dwell on this new analysis almost exclusively in his second Boston court affidavit and later public statements. Consequently, we shall later have to take a close look at this third analysis.

Many leading newspapers now began to run more critical "Coleman" stories. Reservations about Coleman's research were now expressed, and questions raised as to the validity of his often-quoted

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[10] *Gallup Opinion Index Report 113*. Princeton, N.J.: The American Institute of Public Opinion, November 1974.

[11] *Coleman Four*, pp. 69–70

opinions. William Grant, the *Detroit Free Press* education writer (August 19, 1975), contrasted the sociologist's cautious style when in academic settings with his free-wheeling style when talking with reporters. Grant emphasized how many of Coleman's views went "well beyond" his research and how few desegregated cities were actually involved in the study. John Matthews, a *Washington Star* staff writer (September 4, 1975), provided a detailed description of the study under the banner, "IS COURT-ORDERED DESEGREGATION SELF-DEFEATING?" Unlike early stories, Matthews took pains to describe the many cities, such as Fort Lauderdale, Tampa, and Charlotte, where Coleman's predictions of massive "white flight" in the face of large-scale educational desegregation had not proven true. He also cited Farley's conflicting research at length. Likewise, Steve Twomey, the education writer for *The Philadelphia Inquirer*, wrote an extensive article that considered both Coleman's position and that of his critics. Twomey stressed Coleman's novel metropolitan "entitlement" strategy. He also quoted Coleman's description of his critics: "There are a lot of old people who would rather pursue a common path and attempt to ignore the fact that this [desegregation] may be having unintended and undesired consequences."[12]

Coleman continued these unfortunate *ad hominem* attacks upon his critics in his second participation in the Boston school desegregation case. On August 27, 1975, while attending the annual convention of the American Sociological Association in San Francisco, he provided an affidavit for the prosegregationist Boston Home and School Association. He predicted that "full-scale desegregation in Boston, occurring this fall, will have substantial effects in bringing about an additional loss of whites." And he closed his affidavit with a personally-directed blast at the present authors:

> I cannot conclude without mentioning what seems to me an unfortunate phenomenon in social science. On certain questions, there appears to be a kind of conspiracy of silence, and then a rush to the attack when anyone dares to break the silence. I have the impression that if Professors Green and Pettigrew saw the fires in the sky during the riots of 1967, they would have attributed them to an extraordinary display of the Northern Lights. I believe that it does no one any good in the long run for us to blind ourselves to reality, because it is reality, not our fond hopes about it, which measures the effectiveness of government actions.[13]

[12] We question the phrase "a lot of old people." Most of his social science critics (e.g., Farley, Gary Orfield, Christine Rossell, even the writers) are younger than Coleman himself. In addition, surveys of the racial beliefs of white Americans consistently show that Coleman's opinions are most shared among older respondents, most opposed among younger respondents.

[13] *Reply Affidavit of James S. Coleman, Morgan et al. v. Kerrigan et al.*, United States Court of Appeals for the First Circuit, August 28, 1975, pp. 1–2.

## *Critical Review Continues*

August and September witnessed further review of Coleman's work by social scientists and lawyers. A 1-day "Symposium on School Desegregation and White Flight" was held on August 15, 1975, at the Brookings Institute in Washington, D.C. It was cosponsored by the Center for National Policy Review of the Catholic University Law School and the Center for Civil Rights of Notre Dame University.

Coleman produced for the occasion yet another draft of his paper. While its preface thanked and listed by name the members of the earlier review panel, this third version was essentially the same as the second draft and reflected little response to the panel's many criticisms. But the final paragraph avoided the loaded term "white flight" and revealed a slightly less dogmatic interpretation that the loss of whites: "***is intensified by extensive school desegregation in those central cities, but in cities with high proportion of blacks and predominantly white suburbs, it proceeds at a relatively rapid rate with or without desegregation.[14]

The basic thrust of this conclusion would be agreed to by virtually all specialists in the field. Indeed, the metropolitan character of the problem has been obvious to many for several decades, which is why legal cases seeking metropolitan relief for school segregation have been in the courts for almost a dozen cities. What is at issue is whether court-ordered desegregation entirely within central cities significantly hastens the development of two racially separate Americas—black central cities and white suburbs. This question is far different, and certainly has less policy relevance, than the simple "busing backfires" argument that Coleman's numerous press interviews had led the Nation to focus upon.

A recent critical review of Coleman's latest revision carried out by Joseph M. Wisenbaker of Michigan State University points to a number of potentially important flaws in the methodology employed by Coleman in his attempt to analyze the relationship between desegregation and the decline in the proportion of white students. In his review Wisenbaker examined a number of points ranging from a very crucial criticism of Coleman's unit of analysis all the way to specific averaging techniques used on the regression coefficients themselves. For example, Coleman's use of dummy variables is a rather ineffective attempt to control for differences among cities unrelated to those of school attendance. For them to be effective in this regard, Wisenbaker points out that all other variables must be assumed to be constant over the

[14] *Coleman Three*, pp. 68–69. This conclusion was retained in the fourth version (*Coleman Four*, pp. 79–80).

6-year period—a very stringent and likely unjustifiable assumption. Indeed, his conclusion based on the methodological shortcomings he sees in Coleman's analyses questions the very usefulness of Coleman's results from the standpoint of anyone trying to understand the relationship between desegregation and "white flight."[15]

If even Coleman's continued analyses reveal increasingly smaller effects, it is hardly surprising that other investigators at the symposium reported results that contrast markedly with the much-heralded fears of "white flight" caused by desegregation. For example, Michael Giles, of Florida Atlantic University, reported on his detailed desegregation research in seven diverse school districts in Florida.[16] Since these districts were all county-wide, residential relocation was impractical and private schools offered the only mechanism of "white flight." He reported that the avoidance of desegregation among whites under these conditions was *unrelated* to racial prejudice or to "busing," was greatest among upper-status families, and was least for schools with less than 30 percent black student bodies. He recommended metropolitan solutions to problems of urban educational desegregation.

Luther Munford, of the Law School of the University of Virginia, presented the results from his study of 30 school districts in Mississippi undergoing extensive school desegregation from 1968 to 1970. He attacked the notion of an inevitable "tipping point," and demonstrated that, for his sample, "white flight" was explained by "the black/white ratio in the population as a whole rather than just the ratio in the schools.[17] The black population proportion explained 88 percent of the district variance in the loss of white enrollment across the 30 districts; and three-fourths of even the majority-black schools in these districts actually increased or maintained their white student percentage between spring and fall of 1970 after the segregationist resistance had subsided.

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[15] For a full description of this analysis, see "A Critique of 'Trends in School Segregation, 1968–73'," by Joseph M. Wisenbaker, College of Urban Development, Michigan State University.

[16] M.W. Giles, E.F. Cataldo, and D.S. Gatlin, "Desegregation and the Private School Alternative." (Unpublished paper) Florida Atlantic University, Boca Raton, Florida (delivered at the Symposium on School Desegregation and White Flight held at the Brookings Institution, Washington, D.C., August 15, 1975). See also: E.F. Cataldo, M.W. Giles, D.S. Gatlin, and D. Athos, "Desegregation and White Flight," *Integrated Education*, January-February 1975. *13*, pp. 3–5.

[17] Luther Munford, "Schools that quit 'tipping' in Mississippi." (Unpublished paper delivered at the Symposium on School Desegregation and White Flight held at the Brookings Institution, Washington, D.C., August 15, 1975), p. 7. See also: Luther Munford, "White flight from desegregation in Mississippi," *Integrated Education*, May-June 1973, *11*.

Another paper, by Gary Orfield, a political scientist at Brookings, provided the symposium with a political analysis of "white flight research." "Too often," he warned, "selective, half-digested reports of preliminary research findings are disseminated by the media and become weapons in the intense political and legal battle being fought in major cities."[18] He emphasized the complexities involved in sorting out the various forces working toward accelerated suburbanization. "It is impossible now," he concluded, "to demonstrate that school integration, in itself, causes substantial white flight."[19] Orfield described the severe long-term problem of "flight" from the central city as *not* caused by desegregation but as often undermining the viability of the process. The inner suburbs will soon face the same demographic trend. The problem, then, does not simply translate into the need for housing integration. Indeed, he argues, "It is hard to imagine how stable housing integration, involving large numbers of blacks, could be achieved in any reasonable period of time without a framework of area-wide integrated schools."[20] His conclusion echoes a widespread consensus among race relations specialists: "There is no evidence that stopping school desegregation would stabilize central city racial patterns. If those patterns are to be significantly modified, positive, coordinated, and often metropolitan-wide desegregation efforts will probably be required."[21]

Christine Rossell, a political scientist at Boston University and a former student of Coleman's at Johns Hopkins University, took issue with Coleman at the annual meeting of the American Political Science Association in San Francisco.[22] Rossell's paper provided evidence that conflicted with both Coleman's opinions about the political process surrounding desegregation as well as his findings about "white flight."

In part, Rossell directed her analyses to the question of "white flight." She, like Farley and Coleman, made use of the school desegregation data gathered by the Office for Civil Rights of the U.S. Department of Health, Education, and Welfare. But she went further by collecting directly from each district whenever possible data prior

[18] Gary Orfield, "White flight research: Its importance, perplexities, and possible policy implications." (Unpublished paper) Brookings Institution, Washington, D.C., August 1975 (delivered at the Symposium on School Desegregation and White Flight held at the Brookings Institution, Washington, D.C., August 15, 1975), p. 1.

[19] Ibid., p. 2.

[20] Ibid., p. 16.

[21] Ibid., p. 21.

[22] Christine H. Rossell, "The Political and social impact of school desegregation policy: A preliminary report." (Unpublished paper presented at the annual meeting of the American Political Science Association, September 4, 1975) San Francisco, CA; C.H. Rossell, "The effect of school desegregation on white flight," *Political Science Quarterly*, Winter 1975, 92, in press.

to 1967 and specific information behind its desegregation process. All told, Rossell assembled data on 86 northern and western districts; 26 had no desegregation, while 60 had had varying degrees of desegregation but only 11 of these were actually under court orders (see table 1c). This closer look at the process allows Rossell to develop a detailed slope analysis of the pre- and postdesegregation experience of each district. Like Coleman, she also checked directly on racial enrollments in the same year as major desegregation took place in the district.

Rossell's data is summarized under five categories of districts: cities with *court-ordered* desegregation; those that reassigned over 20 percent of their pupils for desegregation (*High Desegregation*); those that reassigned between 5 and 20 percent (*Medium Desegregation*); those that reassigned less than 5 percent (*Low Desegregation*); and, finally the *control group* that reassigned no children whatsoever for desegregation. There are no significant differences among any of these five classes of districts between the pre- and postdesegregation years in the declining white student percentages. The failure for the court-ordered districts to reveal any special trend is especially noteworthy in light of Coleman's repeated attacks upon the Federal judiciary and the alleged unintended "white flight" consequences of their far-reaching orders. Recall that Coleman, himself, has never checked specifically on those urban districts that were under court orders.

Using an entirely different methodology from that of Farley, then, Rossell reaches the same negative conclusion. In her extensive sample of northern urban districts, there is no relationship between desegregation and "white flight." And, as with Farley's results, the question arises: Why do Rossell and Coleman reach such different conclusions? Again we must consider the differences in their approaches and data.

Though both investigators based their work on the HEW data, Rossell expanded her data base considerably. In addition to HEW's 1968–72 data, she utilized the agency's 1967 data which Coleman inexplicably ignored. She also obtained as much information as is available from before 1967. This expansion of her data base further back into the 1960's allowed Rossell to develop more accurate and reliable predesegregation racial enrollment trends. Coleman, we noted earlier, in his third analysis based his calculations on the single base year of 1968.

But the most fundamental differences between the Rossell and Coleman studies are their contrasting operational definitions of the two key concepts—"white flight" and "desegregation." Coleman defines "white flight" as the percentage change in the *absolute* number of white students. This definition meets some popular ideas about the

## TABLE 1c

## CHANGES IN THE WHITE STUDENT PERCENTAGE BEFORE AND AFTER SCHOOL DESEGREGATION

| School District | I Students Reassigned | Court Ordered | Change in % White Students −7 Years | −6 Years | −5 Years | −4 Years | −3 Years | −2 Years | −1 Year | Major Plan Date | Change in % White Students +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Pasadena, Calif. | 98.48 | yes | | -2.7 | -1.5 | -1.9 | -2.1 | -2.0 | -2.4 | 1970 | -4.2 | -4.5 | -2.5* | | | | | | .01,.05 | -2.0 | -3.5 | 100.8 |
| Pontiac, Mich. | 83.47 | yes | | -1.3 | -1.0 | -3.0 | -3.1* | -1.7 | -2.4* | 1971 | -5.4 | -.4 | | | | | | | .02,.02 | -2.2 | -.4 | 87.09 |
| Berkeley, Calif. | 57.72 | | | | | -2.2* | -2.2 | .7 | -1.6 | 1968 | -2.2 | -.6 | -.8 | 2 | .9 | | | | N.S. | -2.2 | -.4 | 66.32 |
| Wichita, Kan. | 44.36 | | | * | -.8* | -.4 | -.4* | -1.0* | -1.0* | 1971 | -1.3 | -1.4 | | | | | | | N.S. | -.7 | -1.4 | 56.63 |
| San Francisco, Calif. | 42.49 | yes | | | -2.9 | -1.2 | 0 | -4.1 | -.2 | 1971 | -3.0 | -2.1* | | | | | | | N.S. | -1.6 | -2.1 | 46.58 |
| Ft. Wayne, Ind. | 34.60 | | | | -.4 | -.5 | -1.6 | .2 | -1.1 | 1971 | -.8 | -1.0 | | | | | | | N.S. | -.8 | -1.0 | 34.00 |
| Waukegan, Ill.(el. schs) | 31.72 | yes | | | | -.13 | -.35 | -7.8 | -1.1 | 1968 | -1.8 | -1.9 | -1.1 | -1.0 | -1.9 | | | | N.S. | -3.9 | -1.4 | 31.72 |
| Denver, Colo. | 24.64 | yes | | | | -1.3 | -1.4 | -1.5 | -.6 | 1969 | -1.5 | -2.4* | -1.4 | -2.0* | | | | | N.S. | -1.3 | -1.9 | 29.77 |
| Providence, R.I. | 24.10 | | | | | | | | | 1967 | | 2.0 | .2 | -.2* | -1.7* | -1.0 | | | a | a | a | 36.00 |
| Riverside, Calif. | 21.40 | | | | | | | .7 | -.6* | 1966 | -1.5 | -1.2* | .9 | -2.2* | -1.0 | -1.4 | -1.5 | | N.S. | -.7 | -1.1 | 38.20 |
| Las Vegas, Nev. | 19.24 | yes | | | | .3 | -.6* | -.6* | 0 | 1972 | -.8 | | | | | | | | a | a | a | 30.05 |

*Table 1c Continued*

| School District | I Students Reassigned | Court Ordered | Change in % White Students -7 Years | -6 Years | -5 Years | -4 Years | -3 Years | -2 Years | -1 Year | Major Plan Date | Change in % White Students +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Evansville, Ind. | 15.77 | yes | | -1* | -2.2 | -3 | -1 | 1.2* | -3* | 1972 | -7 | | | | | | | | a | a | a | 29.57 |
| Muncie, Ind. | 15.10 | | | | | 3 | -9 | -2.6 | 1.9 | 1972 | -3 | | | | | | | | a | a | a | 15.10 |
| Stamford, Conn. | 13.20 | | | | -2.6 | -1.3* | -8 | -1.8* | 1.8 | 1970 | -1.5 | -9 | -1.5 | | | | | | N.S. | -1.5 | -1.2 | 21.42 |
| Niagara Falls, N.Y. | 11.76 | | | | | | • | -4* | -6 | 1970 | -1.3 | -5 | -7 | | | | | | N.S. | -5 | -6 | 30.28 |
| Sacramento, Calif. | 11.10 | yes | | | | | | • | -1.3 | 1966 | -2 | 1.2 | -3* | -1.0 | -1.1 | -1.1 | -1.0 | | a | a | a | 19.98 |
| Oklahoma City, Okla. | 10.82 | yes | | | | | | -2.2 | -1.1 | 1968 | -1.6 | -4.9 | -1.2* | -4 | -1.6 | | | | N.S. | -1.7 | -1.8 | 11.50 |
| Saginaw, Mich. | 9.60 | | | | | -2.6 | -5 | -6 | -2.3 | 1972 | -2.2 | | | | | | | | a | a | a | 9.60 |
| Grand Rapids, Mich. | 9.40 | | | | | | | | | 1968 | -3.1 | -8 | -3 | -1.8 | -2.2* | | | | a | a | a | 10.16 |
| Springfield, Mass. | 9.10 | | | | | -1.8 | -1.8 | .9* | -3.7* | 1968 | -1.3 | -1.9 | -2.7 | -2.2 | -2.0* | | | | N.S. | -1.4 | -2.3 | 23.05 |
| Ann Arbor, Mich. | 9.00 | | | | | | | | -5 | 1965 | -.1 | -1 | -.9 | -2.3 | -.6 | -.8 | -1.1 | -2* | a | a | a | 15.48 |
| Lexington, Ky. | 8.91 | | | | | | | | | 1967 | | .2 | 0 | -4* | -.3 | -.4 | | | a | a | a | 9.66 |
| Baltimore, Md. | 7.92 | | | -6.2 | -1.5 | -4.0 | -1.0 | -1.1 | -.9 | 1971 | -1.1 | -1.1 | | | | | | | N.S. | -2.4 | -1.1 | 7.92 |

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*Table 1c Continued*

| School District | I Students Reassigned | Court Ordered | Change in % White Students −7 Years | −6 Years | −5 Years | −4 Years | −3 Years | −2 Years | −1 Year | Major Plan Date | Change in % White Students +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Tulsa, Okla. | 7.83 | yes | | −.1 | −.2 | −.4 | −4.8 | −.1 | −.6* | 1971 | −.5* | −1.9* | | | | | | | N.S. | −1.2 | −1.9 | 14.36 |
| Peoria, Ill. | 7.83 | | | | | | | | | 1968 | −.8 | −.9* | −1.0* | −1.1* | −1.4* | | | | a | a | a | 15.86 |
| Cambridge, Mass. | 7.30 | | −.6 | 0 | −.1 | −1.8 | 0 | −1.2 | −.9 | 1972 | −.9 | 2.0 | | | | | | | N.S. | −.7 | 1.9 | 7.3 |
| Lansing, Mich. | 7.18 | | | | | −.2 | −.6 | −1.1 | −2.2* | 1969 | −.7 | −1.8* | −1.4 | −2.1* | | | | | N.S. | −1.0 | −1.7 | 22.54 |
| Racine, Wisc. | 6.80 | | | | | | | −1.1* | −.4* | 1967 | −.5 | −.4 | −.7* | −.8 | −.1 | −.9 | | | N.S. | −.8 | −.6 | 12.30 |
| Takoma, Wash. | 6.50 | | | | | | −.7 | −.7 | −.3 | 1968 | −1.4* | −.6* | −.9 | −.9* | −.1 | | | | N.S. | −.6 | −.7 | 9.44 |
| San Bernadino, Calif. | 5.10 | | | | | | −.9* | −.1 | −.7 | 1970 | −.8 | −1.3 | −.5 | | | | | | N.S. | −.9 | −1.0 | 7.10 |
| Minneapolis, Minn. | 4.90 | | | −.6 | −.4 | −1.5 | −1.0* | −1.3 | −1.0* | 1971 | −1.5 | −1.3 | | | | | | | N.S. | −1.0 | −1.3 | 11.16 |
| Waterbury, Conn. | 4.80 | | | | | | | −2.4 | −1.3 | 1970 | −.9 | −1.7 | −.5 | | | | | | N.S. | −1.9 | −1.5 | 4.80 |
| Rochester, N.Y. | 4.30 | | | −2.4 | −2.5 | −1.6 | −3.0 | −2.8 | −2.4* | 1971 | −3.3 | −3.1 | | | | | | | N.S. | −2.4 | −3.1 | 5.16 |
| Seattle, Wash. | 4.14 | | −1.0 | −1.1* | −1.5 | −.6 | −.8* | −.9 | −1.6 | 1971 | −1.5 | −1.1 | | | | | | | N.S. | −1.0 | −1.1 | 10.25 |
| Dayton, Ohio | 3.20 | | | | | | | | −.6 | 1969 | −1.1 | −1.4* | −2.0 | −2.0 | | | | | a | a | a | 3.96 |

*Table 1c Continued*

| School District | Students Reassigned | Court Ordered | Change in % White Students: −7 Years | −6 Years | −5 Years | −4 Years | −3 Years | −2 Years | −1 Year | Major Plan Date | Change in % White Students: +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Buffalo, N.Y. | 3.20 | | | | | | | | | 1967 | -2.5 | -4.0* | -1.3* | -1.3* | -1.2 | -2.2 | | | a | a | a | 5.79 |
| Warren, Ohio | 2.80 | | | | | | | | -.5 | 1969 | -.7 | -.3 | -.5 | -.9 | | | | | a | a | a | 2.80 |
| St. Paul, Minn. | 2.57 | | | | | | | | | 1965 | | * | * | | -1.0 | -.5 | .7 | -.5 | a | a | a | 6.77 |
| So. Bend, Ind. | 2.50 | | | * | | | | -1.3 | -1.0 | 1970 | 0 | -1.2 | -.9 | | (Less decline than expected) | | | | N.S., .05 | -1.2 | -1.0 | 3.80 |
| Rockford, Ill. | 2.40 | | | | | | | | .7 | 1969 | .9 | -1.3 | -.6 | -1.1 | | | | | a | a | a | 2.40 |
| Flint, Mich. | 2.39 | | | | | | -3.5 | -1.5* | -2.0 | 1971 | -2.9 | -1.7 | | | | | | | N.S. | -2.3 | -1.7 | 3.69 |
| Syracuse, N.Y. | 2.20 | | | | | | -2.6 | -1.4 | -1.7* | 1967 | -1.9 | -1.8* | -1.7 | -2.0 | -1.7 | -2.0* | | | N.S. | -1.9 | -1.8 | 3.65 |
| Colorado Springs, Colo. | 2.10 | | | | | | | .4* | -.3 | 1971 | -.1 | -.2 | | | | | | | a | a | a | 2.30 |
| Indianapolis, Ind. | 2.02 | yes | | -1.3 | -1.0 | -.2 | -1.4 | -1.7 | | 1970 | -1.1 | -1.9* | -1.7* | | | | | | | N.S. | -1.0 | -1.8 | 3.06 |
| New York, N.Y. | 1.76 | | -2.0 | -1.9 | -1.8 | -1.6 | -2.2 | | | 1964 | -2.6 | -2.9* | -2.0* | -3.0* | -2.9* | -3.3* | -2.3* | -1.4 | -1.3, .02, N.S. | -1.9 | -2.5 | 7.67 |
| Pittsburgh, Pa. | 1.44 | | | | | | | -.3 | -.5* | 1968 | -1.7 | -.5* | -.5* | -.4 | -.8 | -.8* | | | N.S., .02 | -.4 | -.6 | 3.18 |
| Toledo, Ohio | 1.20 | | | | | | | | -4.3 | 1969 | -.5* | .2 | -1.0* | -.2 | | | | | a | a | a | 1.37 |

*Table 1c Continued*

| School District | I Students Reassigned | Court Ordered | Change in % White Students −7 Years | −6 Years | −5 Years | −4 Years | −3 Years | −2 Years | −1 Year | Major Plan Date | Change in % White Students +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Waterloo, Iowa | | 1.91 | | | | | | −.6* | −.4 | 1971 | −.6 | −.4 | | | | | | | a | a | a | 2.25 |
| Gary, Ind. | | 1.30 | | | | | | | | 1967 | | −2.2 | −1.6 | −1.3 | −2.4 | −1.5* | | | a | a | a | 1.64 |
| Milwaukee, Wisc. | | 1.10 | * | | | −.3 | −2.4 | −.3 | −2.5 | 1972 | −1.9 | | | | | | | | a | a | a | 2.02 |
| Louisville, Ky. | | .83 | | | | −.9 | −1.2 | −1.0 | −.5 | 1972 | −2.2 | | | | | | | | a | a | a | .83 |
| Des Moines, Iowa | | .82 | | | | | | * | 0* | 1969 | −.1 | −.4 | −.3 | −.6 | | | | | a | a | a | 1.10 |
| Los Angeles, Calif. | | .66 | | | | | .2* | −1.5 | −1.8* | 1971 | −1.6 | −1.5 | | | | | | | a | a | a | 1.56 |
| E. St. Louis, Ill. | | .29 | | | | | | | | 1967 | | −3.7 | −2.5* | −4.2 | −4.3* | −4.4 | | | a | a | a | .73 |
| Kansas City, Mo. | | .26 | | | | −2.4 | −1.9 | −2.7* | −1.6 | 1969 | −1.8 | −1.6 | −1.9 | −2.3* | | | | | N.S. | −2.2 | −1.9 | .44 |
| Detroit, Mich. | | .25 | | | | −4.5 | −1.8 | −1.9 | −1.9 | 1967 | −1.3 | −1.9 | −2.8 | −2.0* | −1.2* | | | | N.S. | −2.6 | −2.1 | .26 |
| San Diego, Calif. | | .19 | | | | | | −1.2 | −2.0 | 1967 | −5.6 | .1 | −.5 | −.2 | −.4 | −1.3 | | | N.S., .01 | −1.6 | −.4 | .19 |
| Chicago, Ill. | | .17 | | | | | −1.4 | −1.4 | −4.9 | 1968 | −3.7 | −1.6* | −1.5* | −2.0 | −1.8* | | | | N.S. | −2.4 | −1.7 | .46 |
| Philadelphia, Pa. | | .02 | −2.0 | −3.0 | −1.0 | −3.3 | −1.4 | −.9 | −1.1 | 1972 | −.1 | | | | | | | | a | a | a | .02 |

*Table 1c Continued*

| School District | Students Reassigned | Court Ordered | Change in % White Students: −7 Years | −6 Years | −5 Years | −4 Years | −3 Years | −2 Years | −1 Year | Major Plan Date | Change in % White Students: +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hartford, Conn. | | .01 | | | | | −3.8 | −3.7 | −2.5 | 1968 | −3.6 | −4.7 | −3.7 | −1.9 | −2.3 | | | | N.S. | −3.3 | −3.8 | .01 |
| *Control Group:* | | | | | | | | | | | | | | | | | | | | | | |
| Akron, Ohio | | 0 | | | | | −1.0 | −1.0 | −1.0 | — | −1.0 | −.7 | −.9 | −.5 | −1.1 | | | | | a | a | 0 |
| Albany, N.Y. | | 0 | | | | | | | −3.1 | | −1.8 | −2.2 | −1.1 | −2.1 | −1.1 | | | | | a | a | 0 |
| Albuquerque, N. Mex. | | 0 | | | | | | | | — | | −1.3 | −.3 | −.5 | −.4 | | | | | a | a | 0 |
| Boston, Mass. | | 0 | | | | | −1.4 | −.3 | −1.5 | — | −3.9 | −2.5 | −1.9 | −2.6 | −1.9 | | | | .05, .01 | −1.0 | −2.2 | 0 |
| Camden, N.J. | | 0 | | | | | | | | — | −4.4 | −2.7 | −2.3 | −2.8 | −1.8 | | | | a | a | a | 0 |
| Charleston, W. Va. | | 0 | | | | | | | | — | .1 | −.2 | 0 | −.1 | .1 | | | | a | a | a | 0 |
| Cleveland, Ohio | | 0 | | | | | | | | — | .2 | −1.2 | −1.0 | .1 | −.3 | | | | a | a | a | 0 |
| E. Orange, N. J. | | 0 | | | | | | | | — | −4.7 | −3.9 | −3.2 | −3.4 | −2.6 | | | | a | a | a | 0 |
| Erie, Pa | | 0 | | | | | | | | — | −.3 | −.7 | −.6 | −.2 | −.9 | | | | a | a | a | 0 |
| Hamilton, Ohio | | 0 | | | | | | | | — | −.2 | −.2 | .3 | −.2 | −.2 | | | | a | a | a | 0 |

*Table Ic Continued*

| School District | Students Reassigned | Court Ordered | Change in % White Students -7 Years | -6 Years | -5 Years | -4 Years | -3 Years | -2 Years | -1 Year | Major Plan Date | Change in % White Students +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jersey City, N. J. | 0 | | | | | | | | | — | -3.9 | -2.1 | -2.9 | -1.0 | -2.0 | | | | a | a | a | 0 |
| Kansas City, Kan. | 0 | | | | | | | | | — | -3.3 | -1.6 | -.9 | -2.0 | -1.7 | | | | a | a | a | 0 |
| Lima, Ohio | 0 | | | | | | | | | — | -1.3 | -1.5 | -.5 | -1.4 | .6 | | | | a | a | a | 0 |
| Omaha, Neb. | 0 | | | | | | | | | — | -1.3 | -.6 | -.1 | -.5 | -.6 | | | | a | a | a | 0 |
| Newark, N. J. | 0 | | | | | | | -3.0 | -2.2 | — | -2.7 | -2.9 | -.9 | -2.0 | | | | | N.S. | -2.6 | -1.5 | 0 |
| Santa Monica, Calif. | 0 | | | | | | | | | — | .1 | -.6 | -2.1 | -.6 | -.9 | | | | a | a | a | 0 |
| Trenton, N. J. | 0 | | | | | | | | | — | -4.1 | -2.2 | -1.9 | -1.8 | -.9 | | | | a | a | a | 0 |
| Utica, N. Y. | 0 | | | | | | | | | — | -1.3 | -.6 | -.7 | -1.4 | -.5 | | | | a | a | a | 0 |
| Washington, D. C. | 0 | | | | -2.3 | -1.9 | -1.8 | -1.4 | -1.5 | — | -2.1 | -.6 | -.5 | -.6 | -.4 | | | | N.S. | -1.8 | .5 | 0 |
| Portland, Ore. | 0 | | | | | | -.6 | -.3 | -.2 | — | -2.5 | -.9 | -.6 | -.9 | -1.1 | | | | .02, .01 | -.4 | -.9 | 0 |
| Passaic, N. J. | 0 | | | | | | | | | — | -7.8 | -2.6 | -3.7 | -3.4 | -2.4 | | | | a | a | a | 0 |
| Paterson, N. J. | 0 | | | | | | | | | — | -3.8 | -3.1 | -3.9 | -2.3 | -1.5 | | | | a | a | a | 0 |

*Table 1c Continued*

| School District | Students Reassigned | Court Ordered | Change in % White Students -7 Years | -6 Years | -5 Years | -4 Years | -3 Years | -2 Years | -1 Year | Major Plan Date | Change in % White Students +0 Years | +1 Year | +2 Years | +3 Years | +4 Years | +5 Years | +6 Years | +7 Years | Signif. Level | Pre-Slope | Post-Slope | Total Deseg. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Phoenix, Ariz. | 0 | | | | | | | | | — | -1.4 | -1.1 | 0 | -1.2 | 0 | | | | a | a | a | 0 |
| Wilmington, Dela. | 0 | | | | | | -3.0 | -2.3 | -3.4 | — | -3.9 | -7.1 | -3.9 | -1.3 | -1.8 | | | | N.S. | -2.8 | -3.3 | 0 |
| Youngstown, Ohio | 0 | | | | | | | | | — | -.1 | -2.0 | -1.4 | .4 | -1.6 | | | | a | a | a | 0 |
| Springfield, Ill. | 0 | | | | | | | | | — | -.5 | -1.1 | -.5 | -.4 | -1.0 | | | | a | a | a | 0 |

[a] Unable to compute.

Source: Christine H. Rossell, "The Political and Social Impact of School Desegregation Policy: A Preliminary Report." Paper delivered at the 1975 meeting of the American Political Science Association in San Francisco, Sept. 2–5, 1975, Table 10.

phenomenon; but it ignores the *relative* proportion of whites and the simultaneous trend in the absolute number of black students. Changes in the number of white and black students are significantly and positively associated across urban school districts, and black enrollments in some central-city systems are beginning to decline. Consequently, Rossell employs the percentage change in the *proportion* of white students as her definition of "white flight." Notice that this definition considers both the white and black student trends. Rossell argues further that it is the white proportion that has political significance and which may trigger "tipping points" should any exist in the community.

Coleman and Rossell also differ in their conception of desegregation and how to measure it. Coleman, as we have seen, regards *any* reduction in his global, system-wide index of racial segregation in the schools as evidence of desegregation. He did not seek the origin of such index reductions. Indeed, his many statements to the press assumed the larger reductions to be achieved by governmental actions and usually court orders. The *New York Times* and others, it will be recalled, noted this to be an inaccurate assumption in many cases. So Rossell has a direct measure of governmental action for desegregation: the percentage of students who were reassigned to schools in order to further racial desegregation.

After all, it is direct governmental action for desegregation, often requiring special transportation, that Coleman has been so assiduously campaigning against in his many press interviews, television appearances, and Federal court affidavits. But where he never measured such action directly, Rossell did. This difference in procedure leaves Coleman's analysis open to a major artifact that had been noted by the August 4 review panel at the Urban Institute: namely, that much of the lowering of his segregation index in particular cities was not the result of "desegregation" efforts at all but simply a temporary result of neighborhood transition. Some of what Coleman labeled "white flight" caused by school desegregation was actually temporary desegregation caused by residential "white flight."

## A Fourth Analysis

We have, then, three studies that have utilized basically the same HEW data base on the same problem. Two of them report no relationship between educational desegregation and "white flight"; one reports a significant relationship—though one not nearly as large as represented in the mass media. A number of factors have been cited as possible explanations for this conflict in results between Farley and Rossell, on the one hand, and Coleman, on the other.

The present authors recently completed a fourth analysis to lend, hopefully, some clarification to this complicated analytic puzzle. Our point is a simple one that was alluded to earlier. Much of Coleman's effect may be a function of the particular subsets of large urban systems chosen for analysis and emphasis. The inexplicable exclusion and inclusion of particular cities into the critical final subset of the "largest" urban school districts, then, may well enhance the effect at issue.

We tested this additional explanation for the contradiction between the three studies for two interrelated reasons. First, Coleman's choice of the "largest" urban school districts seems somewhat arbitrary on its face. Second, the scatter diagram in figure 1 suggests that the particular subsets of cities he chose to analyse did in fact maximize the probability of his obtaining an association between the loss of white students and desegregation. Let us explore these two points further.

Recall that Coleman did not list the urban districts in his sample in his first paper. Only 3 months and hundreds of headlines later was the list of the 20 "largest" urban school districts revealed. Washington was immediately dropped for its lack of white students,[23] leaving only 19 in this crucial subset of urban districts.

But these are *not* the largest 19 urban school districts in the United States. Omitted and never mentioned in any of the four versions of Coleman's paper are Miami-Dade, Jacksonville-Duval, and Ft. Lauderdale-Broward, all county-wide urban systems in Florida. On whatever grounds they were excluded, it did not involve the fact that they are metropolitan districts in Florida; Tampa-Hillsborough is also a metropolitan district in Florida, yet it was included in spite of being smaller than the three missing districts. Like Tampa, Miami and Jacksonville experienced widespread court-ordered desegregation without a significant decline in their white enrollment. Ft. Lauderdale actually experienced a 39.2 percent *increase* in white students from 1968 to 1972 while engaged in an extensive desegregation program. Thus, the unexplained exclusion of these three huge districts from Coleman's analysis may have contributed to his finding an effect of desegregation upon "white flight" where Farley's more inclusive sample did not.

Further complications were created when, for his second analysis, Coleman constructed his subset of "largest" urban districts to include

[23] We would not question the decision to drop Washington because of its tiny percentage of white pupils, but we wonder why a comparable cutoff was not also employed for districts with tiny percentages of black students. Coleman analyzed Garden Grove, Anaheim, and San Jose, all in California, though they each had less than 2 percent black school enrollments. This is apparently another example of Coleman's exclusive concentration on white Americans.

Denver and San Francisco. These two additions, raising the number of cases from 19 to 21, were made because they "were two of the few northern cities to undergo extensive desegregation during the period 1968 – 73***."[24] Albuquerque, whose system is larger than that of San Francisco, was excluded by invoking a new criterion: It "is not among the first 50 in population."[25] No mention is made, however, of Nashville-Davidson, a system larger than San Francisco in an area ranking 30th in population, which had more court-ordered desegregation during these years than either Denver or San Francisco.

Nor is a rationale provided for why the line was drawn after San Francisco. This cutoff is particularly perplexing considering the fact that the next urban school system in size is that of Charlotte-Mecklenburg, North Carolina. This is the district involved in the critical *Swann* opinion of the U.S. Supreme Court that Coleman attacked as too sweeping in his Boston television appearance. Under court orders, this metropolitan district achieved a larger drop in Coleman's segregation index than any in his big-city sample save Tampa.

A less arbitrary cutoff could have been achieved by following Farley's procedure of choosing *all* urban school districts which had over a certain number of students in a given year. Employing Coleman's own rankings by 1972 enrollment, a cutoff of all urban districts with more than 75,000 students would not only have included Miami, Jacksonville, Ft. Lauderdale, Denver, Nashville, Albuquerque, and San Francisco but also Charlotte, Newark (New Jersey), Cincinnati, and Seattle. All of these additional cities are among the Nation's 50 largest cities except Albuquerque, Ft. Lauderdale, and Charlotte.

To test the effects of these various selections of urban school districts, we employed Coleman's time period (1968–73), his definitions of "white flight" and "desegregation," even his data as provided in appendix 3 of the fourth version of his paper.[26] We also employed the two principal control variables that Coleman used in both his initial and later analyses—the black student proportion and the natural logarithm of the total size of each school system. However, in order to avoid the error introduced by residential transition, we used Farley's over-time method of comparing 1968 data with those of 1973 rather than Coleman's year-by-year procedure.

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[24] *Coleman Four*, footnote 22, p. 56.

[25] *Ibid.*, footnote 22, p. 56.

[26] *Ibid.*, pp. 99-121. We utilized the data for all school levels combined. Later Coleman discovered that major errors had been made in his analyses of elementary school enrollments (*Coleman Five*), but these errors do not affect our present results. For the four cities omitted from Coleman's analyses and appendix 3 (Miami, Ft. Lauderdale, Jacksonville, and Nashville), enrollment data are from the same HEW source utilized by Coleman; and their desegregation estimates are taken from Farley's index for

Figure 1 presents our basic data in simplest form. The unmarked points on the graph are the original 19 of Coleman's big-city analysis; the two circled points denote Denver and San Francisco that were later added by Coleman for his final big-city sample of 21; the four points in triangles denote Miami, Jacksonville, Ft. Lauderdale, and Nashville that should have been included in the sample of the country's "largest" urban school districts; and the five points in boxes denote Albuquerque, Charlotte, Newark, Cincinnati, and Seattle that would be included if a standard cutoff of 75,000 students in 1972 were applied.

Figure 1 indicates the relationship between the amount of desegregation from 1968 to 1973 across the abscissa and the percentage change in white enrollment over these same years down the ordinate. The graph is further subdivided at the medians into four quadrants: high desegregation and low loss of white students; high desegregation and high loss; low desegregation and low loss; and low desegregation and high loss. The relationship at issue requires a strong tendency for these 30 cities to lie in a lower-left to upper-right diagonal; that is, they should fall predominantly in the high desegregation-high loss and the low desegregation-low loss quadrants.

The first thing to notice about figure 1 is that the heralded positive association does not exist. Only a minority of the 30 cities fall in the two predicted quadrants ($r = -.30$). This replicates Farley's results. The second thing to notice is how important the two extreme points in the lower left are for Coleman's argument. Not surprisingly, these points denote Memphis and Atlanta. Throughout our discussion we have emphasized how critical these two cities are in Coleman's statistics; figure 1 shows how unique they are among the Nation's 30 largest urban school systems. Next notice that Denver and especially San Francisco are in the high desegregation and high loss quadrant; recall these are the two districts added as an afterthought for Coleman's second analysis.

Now check where the points are that denote the nine cities that should have been included in the big-city sample. Six of the nine are located in the high desegregation and low loss quadrant, including all four of the districts larger than that of San Francisco. The remaining three, Cincinnati, Newark, and Seattle, are located in the low desegregation and high loss quadrant. In short, the two additions

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elementary desegregation, 1967–72, which for other districts closely approximate those of Coleman's index for all grade levels, 1968–73.

Figure 1

SCATTER DIAGRAM OF DESEGREGATION AND WHITE ENROLLMENT CHANGES, 1968-1973

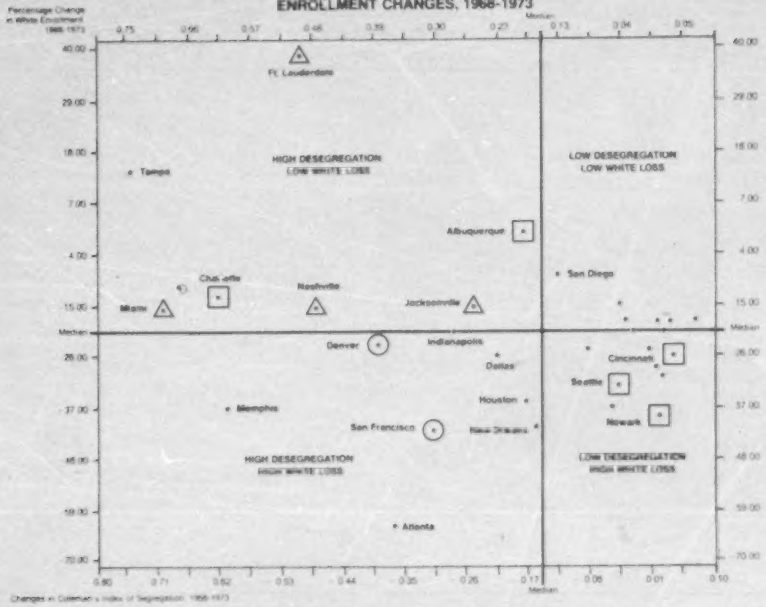
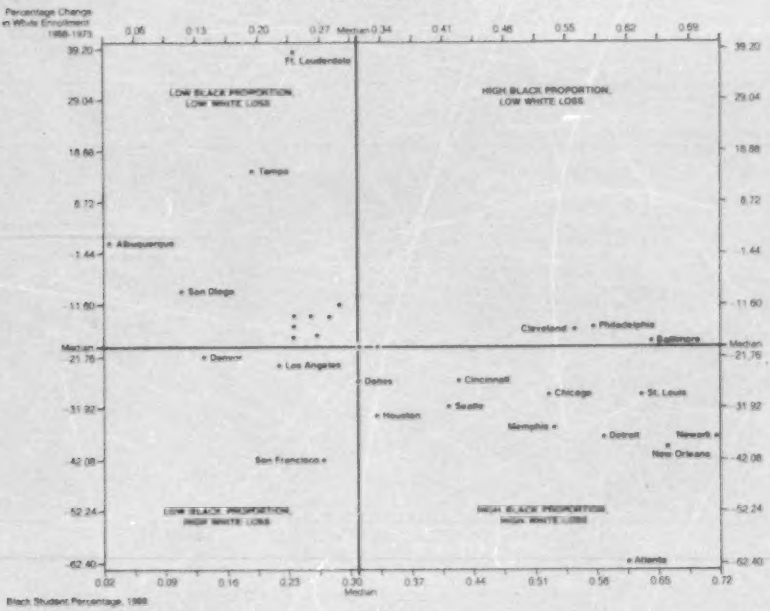



Figure 2

SCATTER DIAGRAM OF PROPORTION OF BLACK STUDENTS IN 1968 AND WHITE ENROLLMENT CHANGES, 1968-1973



Coleman made to his subset of big cities for his second analysis contributed to his obtaining a positive association between these two variables; the nine he left out would have severely reduced the association.

Figure 2 considers the same 30 urban districts, but relates the 1968 black proportion of the enrollment to the changes in white enrollment from 1968 to 1973. Note the strong association that now emerges: Those districts that had relatively high proportions of black students in 1968 tended to lose the largest proportions of white students over the next 5 years ($r = +.57$). Clearly, as Coleman has stated, such a strong predictor must be controlled before a fair test can be made of the effect of desegregation.

Just as figure 2 shows spatially, the Pearson correlation coefficients in table 1 reveal that the key variable is the 1968 black pupil proportion. Its first-order coefficients (column A) in all five samples of cities are virtually identical with the multiple coefficients obtained with all three predictors (column D) as well as its partial coefficients obtained when holding the other two predictors constant (column E). In short, neither the desegregation nor the system size variables are predicting the percentage changes in white enrollments over this 5-year span. Controlling for the proportion black and system size variables in the partial correlations using desegregation as the predictor does decrease its negative relationship with white student loss, but the coefficients remain trivial (columns B and F). Moreover, there are small but interesting changes in these five partial coefficients for desegregation among the various subsets of cities (column F). Just as figure 1 indicated, there is a slight improvement in the prediction when Denver and San Francisco are added to the original 19 cities (rows A and B); from +.059 to +.087). Then there is a drop in the coefficient for the 27 districts whose cities all rank nationally among the top 50 in population (row C; from +.087 to +.023). Likewise, there are drops in the coefficient when the four districts all larger than San Francisco are added to Coleman's 21 (row D; from +.023 to −.108) and for the full 30 districts (row E; from −.108 to −.123). Indeed, the final two coefficients show a modest negative relationship between desegregation and white loss, though they do not approach statistical significance ($p = .27$).

This third failure to replicate Coleman's "white flight" results, consistent with the findings of both Farley and Rossell, demonstrates the critical importance to Coleman's study of the rather special and arbitrary subset of "largest" urban school districts which he chose to analyze and emphasize.

But the plot thickens further as we push our analysis beyond that of Coleman's. He largely confined his analysis and interpretation to

white Americans; yet, obviously, the policy issue even more crucially involves black Americans. Table 2, then, repeats the analysis of table 1 for the percentage *gains* in *black* student enrollment. This analysis employs the same three independent variables and the same five subsets of large urban districts.

We should first clarify one potentially confusing difference between tables 1 and 2. In table 1, following Coleman, we were using white *losses* in enrollment; now in table 2 we are looking at black *gains* in enrollment. This change in focus is caused by the larger demographic shifts described earlier; 27 out of these 30 districts lost whites between 1968 and 1973, while 25 of the 30 gained blacks. Nevertheless, these two dependent variables, white losses and black gains, are negatively correlated (for the full 30 cities, $r = -.34$, $p = .05$). In other words, white and black enrollments across these large urban districts are positively associated, and thus tended to rise or fall together during this 5-year period.

A comparison of table 2's results with those of table 1 highlights these related racial trends. The system's proportion of black students in 1968 remains throughout both tables and all subsets of districts the principal predictor; the higher the proportion, the greater the white losses and the smaller the black gains. Apart from directly racial reasons for these relationships, the fact that both variables react the same way to cities with high proportion black enrollments suggests that this variable is also a surrogate for other factors. Thus, large cities with a high proportion of blacks often have highly unfavorable tax bases and financial problems (consider New York City's present plight); they are also often losing employment and have particularly old housing stocks.

But of greater interest to our present concerns is the contrasting operation of the desegregation variable in the two tables. In table 1, we have noted virtually no effect of desegregation upon white losses, though there was some slight variation according to which subset of big-city systems was utilized. Yet in table 2, across all five subsets of districts, desegregation has a modest but consistent *positive* association with black gains (column B). Part of this relationship is due to the indirect effect that cities with low proportions of blacks have had more desegregation; thus, the coefficients are substantially reduced when proportion black and system size are controlled for (column F).

These analyses of white and black student enrollments lead to a conclusion that starkly contrasts from that of Coleman's. When viewed in the perspective of a 5-year trend, desegregation had no discernible effect on the overriding general trend of white enrollment losses in the Nation's truly "largest" urban school districts. It is particularly important for policymakers to observe that districts which are metropolitan

## TABLE 2

**Prediction of Black Enrollment Changes (1968–73) for Various Subsets of Large School Districts**

| | *First-Order Correlations* | | | | *Partial Correlations* | |
|---|---|---|---|---|---|---|
| | *A. Prop. of Blacks, 1968* | *B. Desegregation 1968–73* | *C. Natural Log System Size, 1972* | *D. 3 Variable Multiple Correlation* | *E. Prop. Black with Size and Desegregation Constant* | *F. Desegregation with Size and Prop. Black Constant* |
| A. Original 19 Districts | -.583 | +.247 | .000 | .605 | -.565 | +.198 |
| B. Original Districts Plus Denver and San Francisco | -.490 | +.193 | +.056 | .515 | -.467 | +.145 |
| C. 27 Districts Whose Cities Rank in 50 Largest | -.486 | +.256 | +.162 | .527 | -.428 | +.145 |
| D. 21 Districts of B. Plus Miami, Jacksonville, Nashville, and Ft. Lauderdale | -.491 | +.237 | +.060 | .517 | -.451 | +.132 |
| E. Full 30 Districts | -.505 | +.283 | +.126 | .550 | -.455 | +.175 |

Data Sources: Same as for Table 1.

in scope (Miami, Ft. Lauderdale, Jacksonville, Tampa, Nashville, and Charlotte) are especially immune from the phenomenon (figure 1). But desegregation *may* have a small effect in enlarging black enrollments by, perhaps, providing hope to black communities that public education for their children will improve. This possible black increase could come about in a variety of ways—an increase in the inflow of black parents attracted to the district, a decrease in the outflow, or a cut in the dropout rate of black children. In any event, this suggestion of an effect of desegregation on black enrollment appears both small and tentative. Our larger point is simply that a rounded scientific and policy perspective on interracial processes requires careful attention to black as well as white Americans. Both Coleman's analysis and policy arguments focus almost exclusively on whites.

## Weaknesses in Coleman's Last Analysis

Recall that the first crude analysis which began the episode was quietly abandoned in July, while the second analysis produced results that conflicted with those of other investigators. Hence a third analysis was introduced. Although it involved the crudest design of all three, it has been emphasized by Coleman in public statements since last August and has been characterized as a "rough test."

Performed on various subsets of what Coleman continued to call the "largest" central-city school districts, this third analysis developed estimated losses of white students for the years 1969–73 by projecting forward the actual losses during the single year 1968–69. Next Coleman grouped the districts into two sets for comparison: those that had a reduction of .10 or more on his school segregation index during the period 1968–73, and those that did not.

The first problem with this "rough test" is the small and selected sample. Just 3 of the 10 desegregating districts (the original 8 plus Denver and San Francisco) provide most of the "effect," and not surprisingly all 3 of these cities are in the Deep South. When Memphis, Atlanta, and New Orleans are removed from the analysis, the remaining 7 desegregating districts present a different picture (18 percent loss instead of a predicted 11 percent).

This raises the second problem of the lack of controls. Coleman emphasizes that this new analysis is "more stringent" because the 1968–69 base-line projections cause each city to act as its own control. But this ignores the fact that desegregation is now being defined in a crude, dichotomous fashion and that the lack of control now involves

differences between these two types of cities.

But the most serious problem with this third analysis is its reliance upon only one base-line year to establish its projections. One year is simply too unreliable an estimate upon which to base a whole analysis for public consumption.

## A Proposed Resolution

Since all four analyses basically employ the same HEW data base, there should be an underlying resolution of the discrepant findings. We believe there is such a resolution, and it consists of the following six generalizations that one or more of the four studies support and none contradict.

(1) *There has been an enormous, long-term trend of whites leaving the central cities for the suburbs and blacks coming into the largest central cities.* This trend began after World War I in many areas, gained momentum after World War II throughout the Nation, and represents a "triumph of national housing policy."[27] It therefore antedated school desegregation by decades.

(2) *There is agreement among the studies that there is little or no effect of desegregation on the "white flight" of students in medium- and smaller-sized cities.* The few apparent exceptions to this generalization often involved special factors unrelated to desegregation.

(3) *There is also agreement that there is little or no effect of desegregation on the "white flight" of students in metropolitan-wide districts.*

(4) *Desegregation required by Federal court orders has not had different effects on "white flight" from other desegregation of equal magnitude.*

(5) *The loss of white and black students from large urban school systems is significantly related to the proportion of black students in the systems.* Two qualifications must be inserted for this generalization. First, there is considerable variance across cities in this relationship. Farley found it held for whites in his 50 southern cities but not in his 75 northern cities. But in general, as revealed in tables 1 and 2, the relationship holds for both races. Second, the fact that both white and black enrollments related in the same way with proportion black suggests that, in addition to racial factors, this variable also acts for a range of variables that separate cities with high black percentages from those with low percentages—receding tax bases, older housing, higher unemployment rates, etc.

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[27] Orfield, *op. cit.*, pp. 18–20.

(6) *Extensive school desegregation in the largest, nonmetropolitan school districts, particularly in the South, may hasten the "white flight" of students in the first year of the process; but at least part of this effect may be compensated for in later years.* Coleman showed only a 1-year effect, part of which reflected neighborhood transition. Rossell *also* showed this effect in the first year for rapidly desegregating urban districts in the North. But she showed, too, that by the second and third years these same districts have an average rate of reduction in their white proportions below both their own predesegregation rate and those of other districts. This phenomenon helps to explain the difference in findings between those analyses that investigate changes over a span of years, such as Farley's and ours, and Coleman's year-by-year design. Some white families may well hasten their already-formed plans to move to the suburbs with the onset of school desegregation, especially if there is negative political leadership as in Memphis and Boston. But a longer period of observation suggests that this first-year loss is recovered through a lower-than-normal loss in later years.

## Social Science and Public Policy

Studying Coleman's position has not been easy. The information necessary to evaluate Coleman's much-publicized research has been consistently difficult to obtain. Throughout the furor there has been a confusion between his limited research and his sweeping views against court-ordered desegregation. And when these views were questioned, the critics were repeatedly made the objects of *ad hominem* abuse. We do not wish to answer in kind. We believe that the whole episode goes far beyond the immediate personalities and even the racial issues involved in that it raises painful questions of how social science should relate responsibly to public policy and the ethics involved in this relationship. This extensive campaign to alter public policy by such a prominent social scientist highlights the thorniest aspects of this problem that must be faced.

From April until August, the social science community was not provided the analysis upon which Coleman's widely-publicized opinions were reportedly based. The details of the first analysis that began the campaign were never released, for the second draft of the paper with analytic details completely abandoned the first analysis and presented an entirely new analysis with a radically different research design. Indeed, a third entirely different analysis was not introduced until September. All told, there have been three contrasting analyses, and four editions plus a 39-page erratum edition of the paper extending over a

7-month period. The views did not change, but the research upon which they were said to be based was constantly changing. Telephone calls to the Urban Institute in June requesting methodological detail were summarily rejected on the grounds that the analysis was "still in progress." Yet this was after 2 months of nationwide publicity of policy recommendations that were said to flow from this "still-in-progress" research.

What made the 4-month delay even more "unfortunate" was the consistent confusion between Coleman's personal opinions and his research findings. Most of the hundreds of articles and editorials that have been written about the episode advanced Coleman's views as if they were the results of a new and massive study of urban desegregation. Yet the connection between Coleman's views and Coleman's research data is tenuous at best and quite conflicting.

Every social scientist, like any other citizen, has a right to express his full political views on any subject without the support of research results. Ethical problems arise, it seems to us, when the social scientist's views are put forward not as political opinions at all but as results of his own extensive scientific investigation, as "new insights from recent research."

Further problems arise when strongly-worded, *ad hominem* attacks enter the controversy. Some critics have employed such attacks upon Coleman; and we have seen how Coleman has consistently employed similar attacks upon virtually all of his critics regardless of the moderation of their opposition. We regret such *ad hominem* remarks deeply. They make "good copy" for the mass media, perhaps, but they cheapen the debate, lower the public's respect for social science, and divert public attention away from the real issues.

Coleman's personal attacks upon us and others all suggest that he is thoroughly and unquestioningly certain that his views are correct. Those who dare disagree with him must suffer from "motivated blindness," must be part of "a kind of conspiracy of silence," must mistake race riot fires for "an extraordinary display of the Northern Lights," or must be "a lot of old people who would rather pursue a common path and attempt to ignore the fact that this [desegregation] may be having unintended and undesired consequences." Agreeing with conventional wisdom on the subject, he sees massive "white flight" in major cities as a consequence of court-ordered desegregation to be so completely obvious that his many critics must have forsaken their social science training for their unrealistic political hopes. We all believe in our own ideas; but, when dealing publicly with issues of enormous policy significance, we have a special obligation to at least entertain the hypothesis that we may be wrong whatever "our fond hopes about it."

We firmly believe that social science can and should responsibly influence public policy on issues in which it can competently bring research and theory to bear. Perhaps specialized groups of social scientists, checked in part by peer review, can perform this task best. Individual social scientists can also carry out this function responsibly by basing their views on published and widely available material in situations, such as courtrooms and legislative committee hearings, where they subject themselves to formal cross-examination or at least informed questioning. But intensive campaigns through the mass media present a hazardous means of injecting social science input into the political debates on policy.

Philip Meyer, of the Knight Newspapers, the Russell Sage Foundation, and a few other individuals and organizations have directed attention in recent years to this dangerous lack of fit between the mass media and social science. But unless structural changes are made in both institutions and each learns to take the other more seriously, the Nation will continue to witness examples of extremely inadequate reporting of social science findings relevant to public policy. This situation commits a disservice to the public as well as to the media and social science. In time, the public might understandably conclude from the seemingly "conflicting research results" and the stream of *ad hominem* attacks that social scientists have nothing to contribute to policy debates except their own highly politicized opinions.

* * *

CHAIRMAN FLEMMING. Thank you, Dr. Green.

Dr. Coleman, in view of the fact that Dr. Green has been commenting on your comments, the Commission would be very happy at this time to listen to your comments on Dr. Green's comments.

DR. COLEMAN. Well, Dr. Green has had a great deal to say about a variety of things having to do with both my research and my positions. I am not sure exactly where to begin.

Let me cite something which he didn't address in his presentation but something which he mentioned in his paper, in his very extensive use of the Rossell study, which is defective, I think, in a variety of ways. But let me read a portion of his paper having to do with the Rossell study and I think directly relevant to our concern. It is on page 72.

DR. GREEN. They don't have that manuscript. I might add we have a larger paper which will be published in the winter issue of the Harvard—does the Commission have that one?

DR. COLEMAN. Let me read from this paper. It says, "Coleman has been too eager to cite data which fit his present conceptions without

checking on their accuracy. Rossell checked out the error. The school district, for reasons of its own, changed"—first let me indicate what are my results that Dr. Green is attempting to refute. That has to do with the loss that actually occurred in Boston in 1974 when school desegregation took place.

As I pointed out elsewhere, in 1969 the school system had 2.9 percent fewer white children than in 1968; in 1970, 1.0 percent fewer white children than in 1969; in 1971, 4.2 percent fewer white children; in 1972, 3.3 percent; in 1973, 6.6 percent, for a 5-year average before desegregation of 4.5 percent.

Now in 1974 desegregation occurred. In 1974 the school system had, according to my original statement, 16.1 percent fewer white children than in 1973. In other words, 16.1 percent fewer in 1974 than in 1973 compared to 4.5, an average of 4.5 for the preceding 5 years.

Dr. Green says the following:

> Coleman had been too eager to cite data that fitted his preconceptions without first checking their accuracy. Rossell soon pointed out the error. The Boston School Committee changed its definition of white between 1973–74 and 1974–75 school years; 1973–74 included Spanish-surname pupils, but excluded them in 1974-75. Consequently, Rossell estimates that half the 16.1 percent loss of white students Coleman attributed to desegregation was in fact due to this shift in racial classification.*

I thought that was really very serious a question if in fact I had made such a mistake so I, this morning, after I read Dr. Green's paper last night, called the Boston School Committee. It turns out—I am not sure where Dr. Rossell got her information—but it turns out that the figures are exactly as I say. In other words, that there was not a comparable decline in white population in 1974 when school desegregation occurred to that which had occurred the years before, but it was 16.1 percent compared to an average in the preceding 5 years of 4.5 percent.

VICE CHAIRMAN HORN. Did they tell you they changed the definition of Spanish-surnamed pupils?

DR. COLEMAN. They told me that what they had done, in the fall of 1975, not 1973–74, but in the fall of 1975 they had divided Spanish-surname students into two subgroups. But they had always included Spanish-surname students in a separate group.

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* Dr. Rossell, having been given the opportunity to respond to testimonial discrepancies directly involving her or her research, has indicated that the 16.1 percent figure is a misinterpretation of her statement. It has since been corrected by Drs. Green and Pettigrew to show that the actual loss of whites between 1973 and 1974 was 14.4 percent according to HEW-OCR data on which both Dr. Rossell and Dr. Coleman relied.

*Continued*

For example, according to my original figures, or the current figures, it ranged from 5.4 percent Spanish-surname in 1972 to 8.4 percent Spanish-surname in 1975. So I would suggest that sometimes a call—

DR. GREEN. We both need the counter-check.

DR. COLEMAN. I would suggest the ball is in your court on that issue. Let me make some other points.

First of all, I don't want to address all the issues. I couldn't address all the issues that Dr. Green mentioned. But, rather, I would like to suggest that there are two serious issues confronting us. One is an issue of policy and the other is an issue of fact.

The issue of policy is the issue of what are the appropriate policies with regard to school desegregation in the United States, both desegregation having to do with constitutional protection and any desegregation or affirmative integration the society wishes to carry out beyond that. That is the first issue to which the fact issues are relevant but are not determining. There are differences of opinion with regard to this issue. The differences of opinion are based partly on a philosophical position and partly on a factual position.

The second issue is the issue of is there or is there not an effect of school desegregation on the loss of whites from central cities when it occurs and, if so, what are the conditions under which this effect takes place.

Now, Dr. Green addresses himself to both of these matters.

First let me say a little bit about the first of the two matters, the question of what are appropriate policies. Dr. Green and I agree very strongly that appropriate policies should be those which do not limit themselves nor differentially address the central city in the suburban areas. This is related to the policy which Dr. Green described as freedom of choice, a policy that I was advocating.

Let me say that in 1968 I tried to get the Legal Defense Fund or NAACP to carry out a suit, a suit I would like to see them carry out now. For a variety of reasons which were probably good, they decided not to do that at that time. But this suit would have been the kind of policy which I, based partly on data and partly on philosophical position, would advocate. That is a policy having to do with intradistrict transfers. This may or may not be instituted through a court suit, or it may or may not be instituted through legislation.

There is presently in Congress a bill introduced by Congressman Richardson Preyer to require the States to make possible such intradistrict transfers, intradistrict transfers which are what I would describe as an "integrating" transfer. That is, the student cannot transfer from

Letter from Dr. Christine H. Rossell to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, Mar. 12, 1976 (on file at the Commission).

a school to which he would otherwise be assigned to a school which is of a higher proportion of his own race.

So it could not be a transfer which would lead away from integration but, rather, toward integration. But it would provide two kinds of things which I think are critical. One, it would not destabilize the situation, which is what with current policies, according to my analysis, is happening when central-city school desegregation is carried out. Secondly, it would provide opportunities for persons, particularly blacks, who are prevented by reasons of residential discrimination from residing in a particular homogeneous enclave to attend the schools in that enclave.

DR. GREEN. When you refer to intradistrict transfer, are you referring to transferring black students into suburban communities and suburban white students into central cities as well?

DR. COLEMAN. No. I am talking about voluntary transfer. I am not talking about compulsory—

DR. GREEN. Strictly on a voluntary basis?

DR. COLEMAN. Yes.

Now, I wanted to get straight first of all the issue of policy position. I wanted to get that straight before turning to some of the factual matters.

Now, I would like to say a little bit about the factual matters. I think Mr. Green has shown that it is possible to find places in which school desegregation, including court-ordered desegregation, does not bring about a loss of whites. I think it is important to know that. I think he has shown also that it is possible to carry out analyses and not find the loss of whites which in fact does occur, or which I believe does occur, when school desegregation occurs under certain conditions.

Now, he mentions a number of studies. The one that I would like to address because it is the only one that I feel is directly relelvant—this is the study by Reynolds Farley* which is a well-conducted study and does disagree with mine. It uses the same data but that in a somewhat different way. It is subject to a number of the problems which Dr. Green indicates my research is subject to; that is, it is subject to the problem of "ecological fallacy," and the other problems which are brought about by not tracing the actual persons who move from a district or fail to move into a district.

Professor Farley does obtain different results than I do. He and I have corresponded on this. Neither of us are clear as to why he ob-

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* Reynolds Farley is associate director of the Population Studies Center of the University of Michigan. Commenting in a letter to the Commission in March 1976, Professor Farley indicated that there is no variance between his views as represented in his study and the manner in which they are portrayed in this publication. However,

tains different results. But it is a matter of some concern. He does carry out somewhat a different kind of analysis.

He doesn't include the last year, 1973, which we do, because his data do not go quite that far. It may well be the case that it is partly because of the fact that he does not use the kind of analysis which for us was the most powerful analysis, the one which included the effect of what we call between-district segregation—that is, the effect of the existence of predominantly white suburbs upon loss that occurs at the time of desegregation.

He has not looked at that. And this is made especially important by the fact that in his analysis, because of a different classification of cities, he did include some Florida cities which we didn't include. Those Florida cities don't show loss of whites upon school desegregation. I think it is important to note that. We have only one Florida City in our analysis, and it is simply because it is the only Florida city which is classified by the U.S. Office of Education as a central district.

There are districts like Miami, Dade County, which are not classified by the U.S. Office of Education that way. But in fact, what we desired to do, both before and after the suggestion of Dr. Pettigrew, was to use a classification which would be unchallengeable; and that is, we used not our own criteria, but the criteria which are employed by the U.S. Office of Education, even when those criteria, it seemed to us, were a little bit puzzling.

But it is clear that, whether one looks at Tampa or Dade County, there has not been a loss of white students in Florida desegregation. And I think that should point to some important aspects of what happens when desegregation occurs. One is that they were metropolitan-wide desegregation. Another is, as I said, that they were systems which had a small proportion of blacks.

But with regard to the difference between Professor Farley's results and my own, it may be because of the fact that he did not include the more powerful analysis we carried out and did include a number of Florida cities which were excluded by our criteria.

Now, I am somewhat offended by the apparent implication of Drs. Pettigrew and Green that in the selection of cities or in the selection of variables that we carried out the kind of motivated search for those

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he has continued to analyze trends in racial segregation in public schools and its relationship to changes in white enrollment and, in September 1976, concluded that there may well be a relationship between white flight and school desegregation. He stated in an interview reported in the *New York Times* on September 3, 1976, that "I disagree with Coleman in how long the effects last, but otherwise our data shows similar trends." He will be updating his study in a report to be published in the fall of 1976 using 1973 and 1974 data. Letter from Reynolds Farley to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, Mar. 10, 1976 (on file at the Commission).

which would provide us with strongest effects. As I have described with regard to the selection of cities, that was not so. One could add and subtract and juggle around; the set of cities, I think, would not be very worthwhile. But we attempted to carry out an analysis in which there was an unimpeachable criterion by carrying out the analysis described in our equation 3.

The analysis is sufficiently powerful, I believe, that no matter what set of cities we would have included we would have found much the same results. That is indicated also by the fact that if you look in the equation-3 analysis, if you look at the effects we obtained for the smaller school districts, we find the same kind of effects; slightly smaller, but not that much smaller; the same kinds of effects and occurring under the same kinds of conditions.

It is only when one fails to include these other factors, that is, the proportion black in a city when it desegregates, and the existence of white suburbs for white families to move to—it is only when one fails to do that that large cities and small cities appear considerably different. So I am somewhat offended by the notion that we carried out a motivated selection of cities or that we carried out a motivated selection of variables.

Mr. Jackson's analysis is cited a number of times. We used one dependent variable in that case having to do with what might be described as contact between blacks and whites in the school, and used another dependent variable in our later analysis. The variable which Dr. Green indicates we did not choose because of the fact that it, according to him, did not show strong effect, is in fact the variable that in our more extensive analysis we did use.

Also, he calls into question the dependent variable which we used because it was not the dependent variable that Dr. Rossell used. Again, there is the suggestion that there may be something motivated about that.

The dependent variable we used is the dependent variable that Dr. Farley used. If Dr. Farley's study can be used to refute ours, then it seems to me a peculiar circumstance that if that question is of such profound concern with regard to our study, it should be with regard to Professor Farley's. I think it is with regard to neither study.

I think also that Farley and I have used a more nearly correct independent variable as a measure of desegregation than Dr. Rossell uses. Essentially, the issue here is whether one looks at what the system says it did, which is what Dr. Rossell does, or what actually happened.

For example, in 1971 in Baltimore, Dr. Rossell classified the desegregation that occurred in Baltimore as medium-level desegregation, or indicated that there was medium-level desegregation in Baltimore in 1971. However, if one looks at the actual index of segrega-

tion in 1971 as compared to 1970, the index was .70 in 1970. It was .70 in 1971.*

So there was no desegregation that took place whatever the system said it did. So I would regard what Professor Farley has done and what I have done as the appropriate and correct independent variable for the issue in question.

I might mention something about racial intermarriage because I think it is an interesting point. My point with regard to racial intermarriage is not that it is going to provide the quantity of integration in our society that occurs with racial balance in the schools. Rather, my point with regard to racial intermarriage is that integration in the schools and integration in society has depended for a long time upon well-intentioned white liberals, many of whom live in white suburbs (and increasingly live in white suburbs), and have very little contact with blacks, especially given the kind of demographic trends partly due and and partly not due to desegregation, which are creating increasing residential segregation in our society.

I think it is extremely important to have a reasonably large set of interested parties, interested parties in the sense that their interests are very fundamental, at the very level of the home, parties interested in the very integration of society. So I think we need to address ourselves to the question of how can we obtain strong and stable integration in society and the strategies through which this will occur. I am not saying racial intermarriage is going to be an immediate and overwhelming thing. What I am saying is it should be encouraged precisely for that reason, precisely because of the fact that it creates a set of interested parties whose orientation to this issue is not so fragile as that of a set of white liberals who happen to live in the suburbs.

I really don't want to say anything else because there will either be too little to say or too much to say.

CHAIRMAN FLEMMING. Thank you very much, Dr. Coleman.

Commissioner Ruiz, do you have any questions?

COMMISSIONER RUIZ. Yes. I notice Dr. Coleman gave freedom of choice and made reference to it as a factor in relieving racial tension. My comment is freedom of choice is not a rule of law. It is more akin to a jungle procedure, past accomplishments in this world of ours by the freedom of choice doctrine, the fastest gun, and even genocide, really doesn't make it a pretty word for me.

*Dr. Rossell responded that the administrative action taken in Baltimore actually increased integration in the targeted schools even if it did not have a city-wide effect. She credits the city with 7.92 percent as the total reassigned to the magnet schools. The assignment, attributable to administrative policy, she views as an important attempt to deal with segregation as it resulted in Baltimore being classified as a "medium desegregation" city (5 – 20 percent reassigned). Letter from Dr. Christine H. Rossell to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, Mar. 12, 1976 (on file at the Commission).

On this freedom of choice, it has brought economic disruption; large monopolistic corporate structures took advantage by choice of other, less powerful economic groups. So we had to pass antitrust laws to give the consumer a break against freedom of choice by large corporations. Freedom of choice, I think, has its dangers.

But I would like to elicit a reaction or an opinion, and in order to better present the question which is disturbing me, Dr. Coleman—before I ask the question, first let me inform you what I have perceived from listening to both of you here. I have perceived a diagnostic approach in this area of the human relations which in reality concerns the nature of man. This diagnostic approach analysis which I have been hearing has been dealing in variables.

I hear this word tossed around all the time, variables, which gives me the impression that this is more a subject of art, that it is not a science, depending more upon who is doing the analysis and who is presenting the concept for our record here, which leads me also to believe that our analysis of cause and effect in this area of busing may not be susceptible to any scientific rationale whatsoever.

The question is: Doesn't logic tell us that in this area of racial tension, we will have to simply condition our society to what may not be palatable to certain persons as part of the price of a civilized democracy? Just like we have to pay taxes, we have to respect each other's property, we have to curb basic, animalistic, human propensities to provide for safety and orderliness. What is better for most in our pluralistic society should be the rule that we should ultimately adopt.

I would like to very much address this issue within the context of this question in order to find out whether we can come out with some consensus. And that is, doesn't logic tell us that in this area of racial tension, we will have to simply condition our society to what may be best for all of us?

DR. COLEMAN. I would certainly agree with that. I think there may be differences of opinion as to what may be best for all of us.

I think it is quite necessary in certain matters having to do with constitutional protection. This is what the courts are for and this is what the courts properly do. It is quite necessary for rules of logic to be used to condition society independent of public opinion, insulated from popular support or absence of support, to require the population to live up to the Constitution.

I think what is at issue here is not that. What is at issue here is what are the proper means and what are the effective means of affirmative integration in society, Not constitutional protection—

COMMISSIONER RUIZ. Is your alternative instead of busing, intermarriage?

DR. COLEMAN. No. My alternative instead of compulsory racial balance is the alternative I have said. What I have described is the integrating transfer. Let me comment on that a moment since you did mention it.

Whites, and especially upper-income whites, already have freedom of choice by freedom of residence. The proposal that I am suggesting and the bill that is in Congress now is one to give blacks and lower-income whites exactly the same kind of freedom. That is, the freedom of choice, the freedom to attend whatever school you desire in a metropolitan area independently of where you live.

COMMISSIONER RUIZ. Then you are in favor of freedom of choice. Did I get that correctly?

DR. COLEMAN. What do you mean by freedom of choice?

COMMISSIONER RUIZ. To do what you like to do. Not a rule of law.

DR. COLEMAN. No, you have to specify that more clearly.

COMMISSIONER RUIZ. Well, Hitler had freedom of choice. People in Germany had freedom of choice. In the early West, people had freedom of choice, where the fastest gun exercised that freedom. Now I don't know what you mean by freedom of choice.

DR. COLEMAN. Would you like for me to specify it again?

COMMISSIONER RUIZ. Yes. You said, as I understood, that persons in the upper white class can do anything they want to with respect because they have that choice, send their children where they will. Do you want a similar right given to the underprivileged people?

DR. COLEMAN. Right.

COMMISSIONER RUIZ. How would you get that right, by changing the economy?

VICE CHAIRMAN HORN. You are interested in what incentives would he provide? I assume that's the question.

COMMISSIONER RUIZ. I don't know.

DR. COLEMAN. Let me respond to precisely what the policy is. The policy is a policy which would allow any child in a metropolitan area to transfer to any school which did not have a higher proportion of his race in the metropolitan area with transportation paid by public funds. This would allow persons who have been discriminated against because of income, or more usually because of race, from residing in a particular area or particular school district or particular attendance zone to attend school in that zone. Do you understand?

COMMISSIONER RUIZ. Yes, I understood you.

CHAIRMAN FLEMMING. Commissioner Horn.

VICE CHAIRMAN HORN. Mr. Coleman, are you satisfied with the data that you had available to analyze the problem that you posed?

DR. COLEMAN. We have the following kind of situation. We are in the process of carrying out a variety of policies, or a set of policies, in a situation in which we have only a few cases. We have only 20 of the largest cities in the United States; and, as a consequence, we cannot wait until the policies have been carried out with regard to all of those cities before attempting to infer what might be the consequences of those policies.

As a social scientist, I would prefer to have data after the fact with regard to a much larger number of these districts. I would prefer to have data after Detroit had undergone very large-scale desegregation; Cleveland, which is in the process of litigation; Baltimore, which is in the process of litigation; and a number of other cities which have not undergone desegregation so we could have a stronger fix on that.

However, I do feel we have had enough experience now with regard to these cities to make some fairly strong statistical evidence. So I am confident that the results that we have come to do show as well as can be done at present what the likely consequences of certain kinds of policies might be.

VICE CHAIRMAN HORN. What data, though, would you suggest? This is a long-term process that we really need to get at this problem and the consequences of segregation and desegregation. What would you outline, briefly? I realize that you could take all afternoon to answer that question, but in summary.

DR. COLEMAN. I think one thing that has been extremely unfortunate is that the country was faced with an opportunity, particularly right before 1970—and it is still faced with an opportunity—to obtain knowledge about the consequences of the policies that are in effect in the area of school desegregation. However, there has not been at the Federal level—despite the existence of the National Institute of Education, despite the existence of the U.S. Office of Education, despite the existence of its parent body, the Department of Health, Education, and Welfare, which are administering such policies—there has not been any systematic and continuous and comparable gathering of data initiated at the Federal level on the variety of consequences of school desegregation.

I would like to see a focus on at least three consequences: one, the consequence on achievement of both blacks and whites in the schools. Second is the consequence on interracial attitudes and attitudes about oneself; and third is the consequence on population stability, demographic stability, because it is demographic stability in the long run which will give us either residentially segregated or integrated society. However, that just hasn't been done, and it has been left to a variety of partly poorly- and partly well-conceived studies done at the local level for us to attempt to infer something about those consequences.

Fortunately, the Office for Civil Rights of HEW has gathered data under law on the racial composition of schools throughout the country since 1968. It is those data which have allowed both Farley and me and will allow others to carry out the kind of research we have carried out.

VICE CHAIRMAN HORN. I might just comment, Dr. Coleman, as perhaps you know, this Commission invested—what, Mr. Buggs, $150,000 perhaps?—in the design with the RAND Corporation, published in September 1974, on a design for a national longitudinal study on school desegregation. This project is something that I and others have advocated for two and a half years on this Commission and we can't seem to get anybody interested in pursuing it.

But this study would do what many of the critics have objected to in all the research, which is provide a longitudinal study on individuals, covering just the points you are making. Not only achievement, but improvement or whatever, on interracial attitudes, population, etc.

I think it is a tragedy that given the human and constitutional issues involved this Government can't find $5 to $15 million, which is what I think it would take, to examine what is going on in this country, and that this study has been put on ice partly because of attitudes in the white liberal community, etc. I would hope that project could be resuscitated some time.

Now, I would like to know, to what extent social class was a variable in any of your research?

DR. COLEMAN. In the research I have just been carrying out, social class was not a variable at all because in the data gathered by the Office for Civil Rights the only classification of student bodies of schools was classification by race.

VICE CHAIRMAN HORN. This concerns me because on white flight I think you might look at the problem of class flight from the center city to the suburb, even realizing the racially discriminatory practices in the suburbs when it is black middle class moving there. What concerns me is that we haven't properly isolated these factors in many of these studies. I want the degree to which you think this should be a consideration.

DR. COLEMAN. I think it should be a consideration because I think one of the unfortunate things about the population mobility that is occurring, and this is quite apart from whether it is due to or not due to desegregation, the increasing segregation between central city and suburbs that both Dr. Green and I agree is occurring is not only racial segregation, but also the whites moving out are whites who are more educationally advantaged, more upper middle class, more middle class. And the few blacks who are able because of some break in discrimination to move to the suburbs are the same thing.

VICE CHAIRMAN HORN. Do you know of any data on the black middle-class flight to the suburbs? Are there any studies along that line?

DR. COLEMAN. I think there are some studies beginning to be done on that, but I don't know. I think it is probably, according to my data, that flight is more pronounced in the Washington, D.C., metropolitan area than in any other city. But it may well be being studied right now.

VICE CHAIRMAN HORN. I am interested in the cause and effect. The claim was originally made in the newspapers that it was court-ordered desegregation that caused this white flight. I think the studies and commentary I have heard here shows that you had an exodus to the suburbs even in cities where there were very few black residents.

I wonder if a lot of this so-called flight, which I would view as class flight, is partly due not so much to the changing composition of the inner-city school, but rather to the availability of low-cost housing that is really the only option people of low income—which, proportionately, blacks are higher than whites, although absolutely there are more poor whites—are able to secure? Do you have any feeling or research on that?

DR. COLEMAN. I would certainly feel that that is probably the case, that the existence of housing at particular levels of expenditure is a very strong factor in influencing population trends.

VICE CHAIRMAN HORN. I have one or two more, Mr. Chairman.

On interdistrict transfer, you have mentioned the so-called freedom of choice idea which has a number of connotations to people in the civil rights community, most of them unpleasant, most of them in the belief that where it was tried in the South, it didn't work.

DR. COLEMAN. First, let me say I didn't describe this as freedom of choice at all. It was Dr. Green that described it as this. I would describe it as an integrating transfer.

DR. GREEN. You were quoted this weekend. I realize sometimes quotes may not be accurate, but I have seen in at least two major newspapers, the *Detroit Free Press* and *New York Times*, the term "choice" used. It was used in the context of parents being able to select school as well as residential sites for their children. This is why we in turn use the term freedom of choice.

DR. COLEMAN. I didn't use the term freedom of choice. I did use the term choice. I am not against choice.

VICE CHAIRMAN HORN. Let me just say, doesn't this assume that to achieve your policy outcome, which would be a better proportion of black and white students in these schools and allowing this freedom of movement by providing certain incentives such as the provision of publicly-paid transportation, etc., that a certain degree of good will must exist in these communities? Is such a policy outcome likely in the

absence of that good will? It seems you have a philosophical, psychological problem.

DR. COLEMAN. I think it requires some good will in the sense of not moving into the streets or something like that. But I don't believe it requires perfect good will in the sense that, according to the proposal that I have and according to the bill now in Congress, this would be a requirement which is imposed upon the receiving school district without veto power. The receiving school district could not refuse to accept children who came from out of the attendance zone or out of the district, up to a particular percentage, some percentage which was below that which would require it to go on split shifts. But a percentage which would be reasonably high.

VICE CHAIRMAN HORN. As I understand it, you basically favor a metropolitan solution. You do not favor a forced metropolitan solution.

DR. COLEMAN. That puts it very well. I favor very much a metropolitan solution because these data, and I think other data—and Dr. Green and I agree upon this—that central-city solutions are not going to create population stability, that solutions must be metropolitan solutions. I would favor because of certain philosophical positions those metropolitan solutions which do not involve a compulsory racial balance in the metropolitan area but which do involve a greater range of choice.

VICE CHAIRMAN HORN. If I might, Mr. Chairman, insert in the record an interesting exchange between Dr. Coleman and two individuals that appeared in the October issue of Phi Delta Kappa's journal. The first is an article by Biloine Whiting Young and Grace Billings Bress entitled "Coleman's Retreat and the Politics of Good Intentions," then Dr. Coleman's response, "Social Research and Advocacy: A Response to Young and Bress."

I think these are interesting articles on the early distortions made by some of the advocates of the so-called Coleman Report, Version 1, in the sixties. And a statement made by one author, "Under the Johnson Administration the Coleman Report was trumpeted to the point of distortion by both HEW and the Civil Rights Commission to make it as powerful a weapon as it could be in the desegregation effort."

That comes from the articles by Gerald Grant.

CHAIRMAN FLEMMING. Without objection, those articles will be inserted in the record at this point.

[The material described is on file at the U.S. Commission on Civil Rights.]

COMMISSIONER FREEMAN. As you know, Doctor, I am a lawyer, not a social scientist. So my discipline has been along the lines of the rule

of law and basic constitutional, legal issues. So when this first surfaced, this paper on the school desegregation and loss of whites, my question first was: so what? That is not relevant to any issue or any discussion when you are talking about enforcement of the law. However, it has been a campaign, and the issue of desegregation and whether or not this country is going to enforce a law has now become one with which we must deal.

So I would like—particularly because when we talk about a black central city and white suburbia, we are talking about conditions in which State and Federal officials have failed to enforce the law. We don't need any new laws with respect to that. The State and Federal officials have failed to enforce the law to prohibit racial segregation, the laws to prohibit racial discrimination in employment and housing.

I would like to know if you have any comments with respect to the protection of the laws because whether a person achieves or not is not a constitutional issue. But whether that person has equal opportunity is.

DR. COLEMAN. I agree with you very much, Commissioner Freeman, that social scientists' data on white flight or achievement or whatever are not relevant to issues which have to do with the law, which have to do with constitutional protection under the 14th amendment. I agree with that very much.

My only difference with some persons—I am not sure whether it is a difference with you or not—but my only difference with some persons is the amount of school desegregation that is required by the law as eradication of the results of *de jure* segregation. In other words, I see, and I think the Court sees, as well, two aspects of school desegregation. One is *de jure* segregation, which was most pronounced under the dual systems of the South but which has also been found in the North by specific actions of school districts, and the other is what has been termed *de facto* segregation.

In order to overcome the former, court solutions are necessary. Those court solutions should, I believe, be blind to data of the sort we have been discussing. With regard to the latter, affirmative integration beyond that which is required to live up to the law is, I believe, desirable. I don't believe the courts are the correct instruments to carry that out. I believe there are other instruments which are the correct instruments to carry it out because we are dealing now with affirmative integration rather than protection under the law.

The difference that I have with some persons is what fraction of the segregation that exists now is segregation which lies under this first category, *de jure* segregation, and what fraction is segregation which lies under the second category which requires affirmative integration in order to carry it out.

COMMISSIONER FREEMAN. I don't recognize any difference between so-called *de facto* and *de jure*. What we are really talking about is the failure of State and Federal officials to enforce the laws.

DR. COLEMAN. If you don't recognize the difference—

COMMISSIONER FREEMAN. The courts are the only ones who have really been doing anything. It is true that they may not be the best ones. If the executive branch would have enforced Title VI with respect to schools, site selection, housing, etc., then the white folks who want to run to the suburbs would not have had anywhere to run because black people and poor people would have been out there too.

DR. GREEN. If you look at segregated school districts throughout the country as planned action, then the difference between *de facto* and *de jure* segregation becomes minimal. I think that has been well discussed in legal circles.

The question I would like to ask is this: If the courts are not the proper instruments of change in this regard, what specific kinds of strategies would you suggest? Let's assume—

CHAIRMAN FLEMMING. I have a time problem here. I know that some people have planes to catch. We are to have the privilege of listening to two reactors. I rather feel that we should move to listening to them at this time unless any member of the Commission has any further question. I would like to get into that last dialogue myself. But I recognize our time constraints. There are only two reactors. A third, Dr. Presser, was unable to come. I would like Dr. Wolf and Dr. Epps, if they would, to just join us on the platform.

I know there are some plane problems. But if they can come up now and join Dr. Green and Dr. Coleman in a dialogue. Then the Commissioners will have additional questions.

I will follow the order on the program here. The first person's name on the program is Dr. Wolf, who is director of the Indiana Center for Evaluation, Indiana University. I will also introduce at the same time Dr. Epps, who is professor of urban education at the University of Chicago. We are very happy to have both of you here. You have listened to the dialogue that has been taking place here. Please come into it at any point that you so desire.

Dr. Wolf?

DR. WOLF. Well, I had somewhat misunderstood the purpose of this panel. I was under the assumption that we would be questioning Dr. Coleman and Dr. Green about their papers. It appears that that will not be the case. So I have several points that I would like to make.

CHAIRMAN FLEMMING. Go at it any way you want.

DR. WOLF. Once that became apparent to me, I have several points I would like to make. I would be glad to hear what Dr. Coleman or Dr. Green have to comment on it.

The first point is, again, people talked earlier about logical arguments, logic versus perhaps scientific data. There is one logical question that I have or one puzzlement that I have. It seems that when we are talking about desegregation the ultimate objective, it seems to me, is to establish some type of environment where cross-racial interactions occur. There is a presumption, I think, that those interactions will be beneficial to all of the people involved in that process, that they will be beneficial both in a cognizant sense, an achievement sense, and an attitude sense.

What I think emerges out of Dr. Coleman's work, that the white flight phenomenon that he describes, he says, or implies in his work, will perhaps subvert the major intention of desegregation. If that is, if whites are fleeing the schools that are supposedly in the process of being desegregated, then the racial contact, the interactions that presumably would have occurred, will not occur.

It seems to me, though, that there is a logical problem with that because it is very possible, I think, from a logical perspective to imagine that white people fleeing the inner-city districts, fleeing because of the emergence of desegregation, may not have been in schools that were biracial to begin with, or excessively biracial, and that they had very little contact with black students anyway. So merely because white flight is occurring does not necessarily mean that desegregation as it is continued to be carried out wouldn't increase the contacts between the races. In fact, it appears to me logically that the incidence of interactions could even increase even though there is white flight.

So I, perhaps, if there is time—

CHAIRMAN FLEMMING. May I say it is 3:30. The agenda calls for the summary and synthesis at 5:00 o'clock. Outside of the fact that maybe one or two people have got problems with planes, we have plenty of time to pursue these questions.

If you are going to address that to Dr. Coleman at this particular point, there is one point I would like to inject right there because, when people normally talk about white flight, I assume they are talking about families picking up and moving from the central city into the suburbs. I know, Dr. Coleman, that a great deal of your emphasis is on the first-year impact. My query is whether really the number of persons indicated have the opportunity during that first year to pick up and move.

I am also wondering whether or not the analysis of the drop in the number of white students has taken into consideration during that first year what in effect has been a boycott of schools during that first year on the part of some white students. As we held public hearings in

Boston and took evidence there, we came to the conclusion that that was a major factor in what was going on in Boston during Phase 1.

I know you don't go beyond the first year. Did that get into the study at all?

DR. COLEMAN. Yes. Let me comment on that. It did.

We attempted to examine the possibility that you imply may occur, that people come back into the schools the second year, or the possibility that there is continued acceleration of the white flight, and the third possibility, that the loss of whites goes back to its original rate.

We did not find whites coming back in. We did not find a continued acceleration. We did find, although this is our most tentative result, a reversion to their original patterns.

However, if you look in some cities, for example, in Boston this year, the proportion of whites who are lost between 1974 and 1975, between Phase 1 and Phase 2, is twice the proportion that was lost before Phase 1. It is 8 percent instead of 4 percent, which is what the predesegregation pattern was. That is over and above the 16 percent loss in 1974.

In Dallas there is relatively mild desegregation in 1971 under court order, and following that desegregation in 1971, 1972, 1973, 1974 what had been approximately 2 percent loss per year of white students continued at about 8 percent loss. In other words, in Dallas it didn't go back down. But in fact what happened was it continued at the same high level that occurred in the year of desegregation.

But in general, as far as we could tell, in most cities it goes back to the original rate.

CHAIRMAN FLEMMING. Go ahead.

DR. WOLF. I was thinking, sort of picking up on Dr. Green's comment earlier on the ecological fallacy and the use of aggregate data to ascribe individual actions. It seems to me that if you are looking at school district data and you have no data on individual schools, that was my point, that it is very difficult to know whether or not the whites who are fleeing the city are in fact whites who were in biracial schools and, therefore, the contact between black and whites would be diminishing, or merely whites who were in all-white schools and were fleeing in anticipation of what would occur with a desegregation plan.

DR. COLEMAN. I think you are exactly right. All of the studies which have been done suffer from this defect. Incidentally, I might make a methodological comment with regard to this. That is that if the Office for Civil Rights had been a little bit wiser in their original data collection, they would have required identification of schools so that one could trace a particular school through the 6-year period. But it is not possible to do so except by a lot of hard work which I think several, I and some others, perhaps Professor Farley, are attempting to do now.

DR. WOLF. I wanted to use that as an example of the next point I would like to make. We have heard a lot of conversations today, a lot of, particularly in the last two presentations, differences in particular analyses that Dr. Coleman engaged in and several of the other researchers. We found out that there were certainly different findings. We can understand those different findings in terms of different methodologies, etc. We seem to be engaged in some question of each other's particular methodological approach.

What I would like to question now is the whole approach of using statistical surveys, to overrely on statistical surveys in determining social policy, because I think we have a good example here that there are certainly different ways to proceed, different variables to study, and some critical methodological problems that in a sense raise very fundamental questions about the results of this kind of research.

I think there has been over the last several years an increasing amount of skepticism, at least on the part of some methodologies, an educational inquiry for this overreliance on statistical data which has a tendency to be oversimplistic, reductionist; it sort of denies the essence of the complex city involved in an issue like desegregation.

I think we saw an example in Dr. Jackson's research where he looked at some additional independent variables. You see that the results are dramatically altered.

I think if you utilize perhaps some additional independent variables you will find the results to be changed again. I just think it should remind all of us who are involved in some way in any kind of social policy and who are in the business of trying to form social policy on the basis of evidence we can generate as social scientists to be much more careful about the oversimplifications of these kinds of approaches that we use and rely on as though they were truth.

I am reminded that perhaps a commission of this sort should, and I am sure you do and you probably have intentions to do, but to get a wide variety of people into itself, people who have more direct experiences in desegregation—people who are at the front lines, so to speak, and who could talk from their own personal experiences. I think that would be as equally informative to the development of coherent social policy as statistical data would. I would like to pick up on that again in my next point.

CHAIRMAN FLEMMING. Are there comments on that at this point?

DR. WOLF. I certainly wouldn't mind.

DR. GREEN. I agree with the last point regarding using a wide range of witnesses with a range of experiences related to desegregation. One reason that I was concerned about the initial pronouncements regarding the relationship between white flight and the extension of com-

ments related to white attitudes as it relates to busing and the impact on the achievement of minority kids, I have served as an expert witness in more than nine desegregation cases and participated very much in assisting in the formulation of a set of strategies to bring about desegregation in my own community of Lansing, Michigan. We have had busing of black youngsters into formerly white areas and white youngsters into formerly black areas. We have found to a great extent parents might resist busing during the formulation of a plan. But if meetings are held indicating that protection to all youngsters will be put into effect, the kind of resistance that is often predicted, it was almost minimal in our community. We have data to support that particular point of view.

I agree fully with the other point too, regarding of utilization of research and, especially, correlational data is especially critical and susceptible to error in making a assumptions about what happens between variable 1, variable 2, .1, .2. We must be very cautious. This is a point we have attempted to make in our critique of the Coleman approach. The correlation does not indicate causation. Numerous factors in urban America, pollution, blight, simple racial prejudice are all factors probably that are highly related to white flight. Until one can systematically control a range of factors, one cannot conclude at all that white flight, the flight of whites from urban centers is in any way related to urban desegregation. SCS again is a very critical factor.

DR. COLEMAN. I would have to disagree with most of those points. If we did hold in abeyance our opinions on these matters until all the facts were in, we wouldn't carry out any policies. We have to carry out policies. We are carrying out policies every day. Those policies should be well informed.

There is a phenomenon, we all agree there is a phenomenon of a very sharp loss in many large cities of whites from the central city leading to a situation in which we have more, rather than less, residential segregation in the metropolitan area.

Now, the question is, and this is a question on which there are differences, the question is what are the factors that are the cause of that. But as we carry out policies—and I am not talking now about protection under the 14th amendment because that is or should be independent of evidence of this sort—but as we carry out policies of affirmative school integration beyond protection under the 14th amendment then we should ask ourselves the question, are we exacerbating the very problem we are attempting to solve? And we have to use statistical means to answer that question.

DR. GREEN. But until that data has been carefully collected, until all segments of possible data have been collected, policy statements and

pronouncements, it is an inappropriate way to shape and modify policy. That is our key.

From what we have been able to observe and obtain from Professor Coleman, this data does not clearly, conclusively at all demonstrate a relationship between white flight, court-ordered desegregation, white flight and voluntary desegregation. This data does not support that at all. There is also a body of data in conflict with Professor Coleman. So if nothing else comes out of the analysis and reanalysis of the Coleman approach, it simply says this: His results at best are tenuous and you never advocate policy, significant policy, policy that impacts on school children throughout the country on data that is inconclusive and tenuous. That is my point.

DR. COLEMAN. I know in the newspaper that you have not been hesitant to do similar things, that is, to advocate particular policy based on evidence which you regard, although I do not, and although we disagree on the direction of the evidence, but you regard the evidence as tenuous. But I think you haven't been hesitant to make such policy pronouncements.

CHAIRMAN FLEMMING. Okay. From what you are saying I gather you would have a great deal more confidence in the conclusions that were reached as a result of the intensive and well-directed studies from city to city.

DR. WOLF. I think that that kind of information would be much more informative because I think that, in putting together those kinds of case studies, one would have the opportunity to explore many more of the complex factors that obviously bear on this issue then the research does at the moment. I think that I would certainly advocate those kinds of studies.

Might I add in making my next point, because it is very much related to that, that there seems to be a tendency to attack emerging social policy. There is nothing wrong with that sort of criticism. Since those policies, like desegregation and the policies that relate to desegregation, are complex, it is not uncommon for problems to emerge. And even preliminary studies to reflect certain conditions like the white flight phenomenon, it appears though to me that it might be more constructive, or certainly as constructive, to look for incidence of success as well as incidence of failure.

I think there are a multitude of those incidents available to us and your Commission. It may be worthwhile to have people come before this group and talk to them about the ways in which they have been able to deal satisfactorily with these sorts of problems. I am not suggesting that we back away from taking a critical look at things. I am merely suggesting that we can also critically examine instances of success, as well. I think it would be worth your effort to do that.

CHAIRMAN FLEMMING. As you know we did hold 5 days of public hearings on the situation in Boston. And we listened to quite a number of success stories insofar as the integration of some of the schools in Boston were concerned, and we did listen to evidence on the other side. But it gives you an entirely different perspective if you do dig for and obtain positive as well as negative evidence.

Dr. Epps, do you want to come into the discussion at this point?

DR. EPPS. Yes, well, first of all, let me just point out that social science is not the only area that is having difficulty when researchers attempt to influence policymaking. The atomic energy researchers, for example, are having a devil of a time trying to convince the country, on the one hand, that it ought to develop atomic reactors, while another group equally well trained and well versed argues that it will be an ecological disaster. Another area is drug research where there are hundreds of studies which indicate, on the one hand, that marijuana is harmless and, on the other hand, that it is going to destroy the world.

I say this simply because I think we ought to put this into perspective. Social science and some of the other sciences simply do not have at this time the kind of data or research tools that make it possible to come up with clear-cut evidence or data that would allow us to make statements that are true beyond a reasonable doubt, to use Attorney Freeman's legalistic terms.

With that in mind, I think you [Attorney Freeman] were absolutely right when you said this kind of data is really irrelevant in legal cases. That is what we should all keep clearly before us. If you are asking if this study, or any other study that I know about, is producing evidence that can be said to have conclusions that are true beyond reasonable doubt, I don't think such data exists.

Getting to the specific study involved, I think Dr. Green and Dr. Pettigrew are correct when they say that the study does fail to demonstrate that the white flight is directly attributable to court-ordered desegregation. When I first read about Dr. Coleman's study, I was surprised at his conclusions because I'd already read Mr. Farley's study. And very clearly, his research found that you could not say that there was a very strong connection between segregation and white flight.

But when I did have a chance to read Dr. Coleman's research, I said, well, he has some conclusions that are different from Farley's, but the research results do not lend themselves to the kind of strong statements being made. Certainly as I look at the list of conclusions, I could agree wtih some of them, I could disagree with others. But out of it all I came out with the feeling that Coleman's research is saying to me, at least as I read it, that a metropolitan solution is absolutely necessary because no other solution will work. And I think he agrees with that.

On the other hand, when he raises a question about whether desegregation as a result of court-ordered plans is appropriate, I simply have to ask, as others have before me, is there any other alternative? As you look at the record, has anything else worked? I think we have to say that nothing yet has produced any kind of discernible result other than a court-ordered desegregation plan or some other legal action.

The conclusion I reach from that then is that, if we are saying in this society that we are going to desegregate schools, then we have to have some kind of legal action to get that done. It seems as if the only way this kind of legal action can be effective is to include metropolitan plans. The one somewhat sobering note throughout all of this is that in those districts where desegregation seems to have taken place without any appreciable white flight, it has taken place in districts such as Miami, Jacksonville, and so on, where there is a metropolitan system, and I should point out, I think Dr. Green already knows this, that these systems were metropolitan governments before desegregation took place. That raises some questions which I hope the legal people will be looking into. Is it going to be necessary for us to have metropolitan governmental units in order to get metropolitan desegregation? If that is what it would take, then I think that is what we ought to be advocating.

VICE CHAIRMAN HORN. On that point, do you know what the feeling of the black leadership in center cities is in answer to that question?

DR. EPPS. I can't speak for all of them. Some of them would be very much frightened by the proposition of having to be elected on a metropolitan-wide basis. Others would welcome it. They would say that, 'I am qualified. I will stake my record against anybody else's and take my chances.' Just dropping names, if that would help you, Tom Bradley and Ed Brooke.

VICE CHAIRMAN HORN. We could mention others, but I find it interesting, in 1971 when I started questioning black leaders appearing before this Commission, most of them from the center city were reluctant to go into a metropolitan government, feeling that "Now that we have achieved political power in a center city area, Whitey wants to take it away from us by diluting us in a larger metropolitan area."

All I am saying is: That is a good, interesting solution and "good government" people have favored it for 50 years. But there are political realities where the black leadership themselves are not particularly interested as I listen to them.

DR. EPPS. That may be true, but I still say it is worth looking into.

DR. COLEMAN. One of the reasons that I feel that this bill which is before Congress right now is an important bill is because the courts

have been prevented by their own legal precedent, they have been prevented from anything beyond central-city solutions. This may not always be the case, but until now they have been. The only way in which metropolitan solutions under present legal precedent can be achieved is either through State legislatures or through the Congress. That's why I feel that this current bill which would allow these integrated transfers across a school district line has some, has a great deal to offer with regard to metropolitan solutions.

COMMISSIONER FREEMAN. Do I understand you have a bill you are pushing through Congress?

DR. COLEMAN. No, ma'am. I was commenting on a bill which has been introduced by Congressman Richardson Preyer. It is a modification of a bill written before his death by Alexander Bickel of the Yale Law School which was designed to provide some means by which school integration could be carried out, a means which was short of compulsory racial balance—

COMMISSIONER FREEMAN. Is this voluntary integration?

DR. COLEMAN. It is not voluntary on the part of—

COMMISSIONER FREEMAN. This is what it is supposed to be?

DR. COLEMAN. It is not—

DR. GREEN. Voluntary on the part of the parents.

DR. COLEMAN. Yes, it is not voluntary on the part of receiving schools.

DR. GREEN. The onus and responsibility is on the parents to take the initiative to bring about a form or level of desegregation.

COMMISSIONER FREEMAN. That is another name for freedom of choice?

DR. GREEN. I would think so because I think, again, it would be safe to infer that not many white parents would be opting to leave Grosse Pointe and have their kids bussed into the east side of Detroit.

CHAIRMAN FLEMMING. I think the record ought to show that in terms of what is available to the courts, the decision by the Supreme Court in connection with the Wilmington, Delaware, case throws a little different light on that and offers some encouragement.

I know a distinction between *de jure* and *de facto* has been running through this discussion. But we do recognize that the court decisions up to the present time have rested on a finding that there have been acts on the part of public officials that have denied constitutional rights to children and young people. The courts have normally given school committees or school boards an opportunity to do something about it. Then when they haven't done anything about it, the courts have stepped in with their plans.

Is there agreement on the fact that, when a district court on the basis of the evidence before it finds that there have been acts on the part of public officials that deny constitutional rights to children and young people, then that court has no alternative other than to put into effect a plan which will correct that unconstitutional situation and restore those rights to children and young people, whether it involves transportation of pupils or any other method that the court feels must be utilized in order to implement the 14th amendment? Are we in agreement on that?

DR. COLEMAN. We are certainly in agreement on that, Commissioner Flemming. What we are disagreeing on is the degree of remedy required of the court.

CHAIRMAN FLEMMING. Well, here the U.S. district court is confronted with the factual situation that I have described. Some people might question the judgment they exercise in a particular case. But we don't question, do we, the fact that they have got to come through with a plan to implement the constitutional rights of children and young people. Some plans will work better than other plans maybe, but, nevertheless, the courts have got to come through with a plan. Do we agree that the Congress should not inhibit in any way, shape, or manner their ability to develop such a plan and use such remedies as the evidence in that particular case indicates should be used?

DR. COLEMAN. I have no disagreement at all with that.

VICE CHAIRMAN HORN. The Court, as we mentioned this morning, has obviously limited the absolute nature of that so-called constitutional right to a desegregated education. They did it in the *Swann* case. They put in factors of health and safety. It is not an absolute right under the Court's own mandates because they have put, as corollaries, certain other criteria that they did not feel it was unreasonable to impose on the desegregation plan.

I think some of our problems here when you talk about population distribution in urban areas run exactly into that difficulty. What you talk about with Washington, D.C., obviously you look at that, every single child is in a constitutionally prohibited situation, if you follow the absolute theory here.

CHAIRMAN FLEMMING. Let me say this: I recognize that the Court in the *Swann* case identified what I would call common sense standards that any U.S. district court judge will take into consideration in determining the kind of plan that has to be implemented.

But you will recall that Dean McKay in his presentation indicated that he thought that the Congress, if it developed the right kind of a record, could establish some standards that would guide the courts in the development of a plan. But he also agreed that if any U.S. district

court judge decided that one or more of those standards stood in the way of implementing the constitutional rights of the children or young people, then that U.S. district court judge would have the right to pass over that standard in order to reach a decision in that case on the basis of the facts of that case which, in his judgment, would implement the constitutional right for the children or young people in that particular area.

The Congress has recognized this even in their antibusing legislation when they have put in a phrase to the effect that courts are always in a position where they can take cognizance of and implement the constitutional rights of persons involved in a case.

VICE CHAIRMAN HORN. I think before Dr. Coleman leaves at 4:00 o'clock, it is important to get back to another case of social science research that many have said was influential in part of the decision of *Brown v. Topeka*. That is Gunnar Myrdal's study, with a group of sociologists and others, on *The American Dilemma*.

It seems the Court was influenced not only by that study, but also by a series of court cases starting in a Texas law school and others, that led to the conclusion you could not get an adequate education if it were separate but equal because you didn't have the alumni association, you didn't have the library, you didn't have the staff facilities, etc. These were inherently unequal.

I think one of the problems, given application of resources, does the conclusion necessarily follow in all parts of the country today, and my impression is, we don't know. We don't have the studies we need to know. If you have in Washington, D.C., a situation you can't solve on other than a metropolitan basis, and we have had a whole generation of children going to school here, we don't know what the effects are.

All I am saying is that the Court made certain assumptions partly on social science and partly on logic in the 1954 decision. These were not absolute conditions. They led to a conclusion that I think was quite justified at the time. But I think what we were searching for here is what is going on now and what is the proper policy to give children a decent education. That is what we are talking about, a decent education. I think too often it is lost in a lot of legal sophistry.

DR. EPPS. Before we get off onto something else, I think we are still here talking about legal problems; we are talking at this conference, as I understand it, about those legal issues. Quality education is, for me at least, a separate issue. I would love to spend some hours talking about that.

COMMISSIONER SALTZMAN. If I may, I would like to address Dr. Coleman on that issue. I mean no innuendoes, Doctor, I am just not sure of the phrase you used to speak of what we have called the free choice, voluntary choice, what was that phrase? Integrated what?

DR. COLEMAN. Integrating transfer.

COMMISSIONER SALTZMAN. Now, isn't it true that the Supreme Court has ruled that the burden of affirmative efforts to desegregate schools is not with the parents but with the school board? Wouldn't you agree?

DR. COLEMAN. The Court has not yet allowed, except in the Wilmington case, which is not yet perfectly clear, the Court has not yet allowed a right which this would provide. And that is the right of a child who doesn't live in a district to attend school in that district.

I think that is a right that a child should have. It is a right which blacks have been precluded from having because of not being able to live in certain districts because of being discriminated against through housing discrimination. So I think it is a right which ought to exist for every person in the United States.

COMMISSIONER SALTZMAN. Dr. Wolf's initial remarks about the whites who are fleeing from the city lead me to think of a newspaper article I just read last week, I think in the *New York Times*, evaluating attitudes in Pontiac, Michigan, of the white community with respect to desegregation of the Pontiac schools. They found in a survey they made, and I am not sure how scientific it is, that the attitudinal changes following desegregation were significant. The desegregation of schools produced attitudinal changes favoring desegregated education. That it is not the reverse. You do not change attitudes with moralistic preachments.

I am led to recall Dr. Weaver's point of view this morning, his behavioral point of view. So in relationship to what you have said, Dr. Coleman, if we are to await the white majority's change of heart with respect to its attitudes, we may never achieve it unless we bring, through the constitutional process, certain structural changes.

DR. COLEMAN. I have never said what you attribute to me. What I have said is that I believe that compulsory racial balance within a central-city school district is both wrong social policy and destabilizing of the population. Compulsory racial balance in the metropolitan area may or may not be good social policy. In many large cities, I think it would be unwise social policy as well.

DR. GREEN. The integrating transfer is compulsory upon the receiving system. One, if we accept the notion that it is compulsory upon the receiving system and also accept your assumption that integration between black and white youngsters is important in that regard, why place the onus and responsibility and burden upon people who traditionally are lacking in power to bring about that desired effect? Why not put the onus and responsibility legally upon public school officials?

CHAIRMAN FLEMMING. If I might follow up Commissioner Saltzman's comment: In Boston we certainly listened to testimony that indicated

that the institutional change, the structural change we are talking about definitely brought about an attitudinal change on the part of principals, faculty, community leaders, and, above all, on the part of students in those schools.

I see Dr. Green is leaving. I assume he has to catch a plane, also. And Dr. Coleman. We appreciate the presence of both of them. We appreciate the fact that we had the opportunity of listening to a genuine dialogue on some very basic issues.

DR. COLEMAN. Thank you very much, Commissioner Flemming. I think it has been a fruitful afternoon.

CHAIRMAN FLEMMING. Thank you very much.

Now, do members of the Commission desire to address any further questions or comments to Dr. Wolf and Dr. Epps? We will go down the line.

VICE CHAIRMAN HORN. Dr. Wolf, I am concerned about the case study approach. I agree with you regarding the need for "success" stories and I said it the day I came on this Commission. Chairman Flemming said it the day he came on this Commission. We need more success stories. One of my concerns is that there has been too much self-flagellation, too much dwelling on the "racist society attitude" and not enough showing people how to go from point A to point B.

So I would agree with you on the need for case studies and that approach. This Commission has done a number of them. One of the problems, though, which I feel the case study approach has, and I would like your reaction, is that it is journalistic in the sense that it is common sense. You pick and choose based on your own selective value judgments— the researcher, Commission, whoever is doing the study.

One of my feelings is that we need something better than that and that survey research, whether you are talking about a Gallup or Harris poll or what not, has better tools than simply going out and doing what your instincts lead you to do and that we could scientifically, if you would, go out and get on a random sample basis a cross-section of experiences, and that this is what the RAND report sought to do, talking to school principals, community leaders, children in the school, and so forth. I would merely ask: Isn't that a better approach?

DR. WOLF. Let me see if I can respond to that in a variety of ways. First, the point that I tried to make at the outset was not that this kind of statistical data is wrong and we should not continue to pursue these kinds of studies. I merely said we have a tendency to overrely on that kind of data. It is very obvious that there are problems related to that methodology. I think the one example in Dr. Coleman's study of collecting data on school district enrollment, then making inferences that

imply policies as they relate to certain schools, creates a problem. So it is the overreliance on that kind of data that bothers me.

Now, I think that in Dr. Green's paper he talked about the ecological fallacy. I think there is a more devastating fallacy that runs through all social science. That is the fallacy of objectivity. I don't believe because we subject variables to quantification and statistical manipulation that that makes the process objective. We still decide on what we are going to study, what the questions are, and we still select appropriate statistics we think would be the most telling.

So I really do not believe at all that quantitative statistical kinds of analyses are any more objective than case study methodologies. When you get right down to it, it is a function of the integrity of the researcher. That is the critical dimension to all research, not the particular method they employ because you can engage in many safeguards in the process of doing case study field methodology that will enable you to guard against improper inferences. And I think that that sort of approach would be more telling, more useful.

There is a problem with the over-reliance on easily measurable variables. We have a tendency in all research that relates to education to select things that lend themselves most to measurement quantification. We get into a lot of problems with it. I think there are many glaring examples at the national level of that sort of problem.

Perhaps one of the best examples is the evaluation of Head Start. I have engaged in a study now and I have gone and I have talked to many of the people involved in the original steering committee, the people who put the Head Start program together, and we have found in talking to these people at great length that the language that they used to create that program had nothing to do with the measures ultimately used to measure its effectiveness. I think we can get into the same kind of problem with desegregation.

The ultimate objective, if it is to create equality in education, if it is to nurture and support interaction across race, I think we would ultimately, to do justice to this vital question, need to develop procedures that will enable us to get at those issues. Quite often we gravitate to the things that lend themselves most to statistical surveys. I don't believe that kind of data is the most revealing.

VICE CHAIRMAN HORN. Dr. Wolf, it seems to me—and I would agree with you on the value-biased-oriented nature of social science and social scientists are presumably trying to guard against that—but to get to the "ought's," you have to first know what are the "is's." It seems we don't know all the "is's" right now.

We have a scattering of studies, some of which are mentioned in Dr. Green's paper. Someone examines 20 school districts in 1 year or 13

school districts over 2 years, a junior high school here compared to one there. It is a complete hodgepodge.

One of my first questions to Dr. Coleman was on the adequacy of the data that he had to solve his problem. What I was trying to elicit was what data would you really like to have to answer the question, because my concern as I have read his studies over the months has been that you are dealing with gross aggregate data that I think leads you into a lot of possible mis- interpretation. I think it leads the critics into a lot of misinterpretation.

My hope is that reasonable people can sit down and say, "Look, first we need to know what is going on in a wide range of schools— those that are defined as desegregated to those defined as segregated, in different economic areas, different racial mixtures." Then we need to know where desegregation is occurring and has that successfully occurred. And I believe you can get some of that through case studies.

But, again, that is such a selective process I would rather see us approach the school just as Gallup or Harris approach public opinion, in the sense of drawing a random sample of schools in certain categories and then analyzing those in depth and tracking the students over time as they move within a school, between schools, between areas. It is expensive and it costs a lot. But right now public policy in this country is being made on a hodgepodge of impressions and emotions and not really based on any solid analysis.

DR. EPPS. Even if you had that kind of data you would still not be immune to the kinds of problems we are faced with today.

VICE CHAIRMAN HORN. At least you would have the data. Then you could argue about the value of assumptions from that data.

DR. EPPS. But remember, your data are no better than the questions you ask.

VICE CHAIRMAN HORN. That can be solved. Gallup and Harris get at it. Sure, they made a mistake in 1948 but they haven't repeated it.

DR. EPPS. The questions they ask are very superficial.

DR. WOLF. Yes. Those policies seem to be attractive and popular, but they are fraught with problems from a measurement perspective.

I received a questionnaire from the National Rifle Foundation, an opinion poll. I don't know why it came to me, but I suspect perhaps others received it as well. There was no way in the world that I could have responded to the questions in any other way than they wanted me to.

VICE CHAIRMAN HORN. That is the typical congressional questionnaire we all know about that they send their constituents. But you know social science can and does do better than that.

DR. EPPS. But even so, I think they would be the first to admit that they were far from perfect.

COMMISSIONER SALTZMAN. Are you saying if I may ask that, irrespective of whatever sociological studies we undertake, that we are dealing with perhaps a moral imperative, a constitutional responsibility, even more than what derives from sociological studies, and this ought to be the basis for policymaking in the area, how we achieve the constitutional requirement of desegregation.

DR. WOLF. It is not just a function of the data which you collect. It is the function of the way in which you display that data and the way in which you form policy with that data. The problems Dr. Green found in Dr. Coleman's work, not so much in his work as in the way he presented that evidence to the press before it had been adequately criticized by other social scientists, I think that is a critical problem.

I believe there is a value to that kind of data. But only when you have a human being who can sit down and help you understand the nature and facilities of that data does that data become as valuable as it can be. Merely to do studies and publish studies and to make policy decisions on the basis of those studies and then find methodological criticisms that go on for 2 years after a fundamental decision has been made seems to me to be a very serious limitation to our methodology. I would like the kinds of things that went on here today to occur in all instances when social policy needs to be formulated.

Dr. Epps, you have a comment you would like to make.

DR. EPPS. First, we have to keep in mind, I think, that we are talking about trends. Dr. Coleman talks about projections. He should be very careful to point out that these trends don't apply to any particular city. Secondly, that these trends change. If you know the history of population prediction, I would say we are dealing in an area that is just as shaky.

Whatever predictions we make on the basis of 1966, 1968, 1973, may not hold for 1983. It may be a completely different social and political situation. The recession itself, for example, we are going through now may have a profound impact on housing patterns. There is soft evidence that people may be coming back to the city already, irrespective of what is going on in the schools.

This makes me want to tell everybody, be very careful about the conclusions you draw from this kind of research.

CHAIRMAN FLEMMING. Thank you very much.

Mr. Keppel, we are just delighted to have you with us. I know undoubtedly a large percentage of the persons who are in the audience right now know and respect the kind of leadership you have provided us for a great many years.

Dr. Keppel was one of our witnesses in connection with the Boston hearing. As I recall it, he was on the stand a very short period of time

but he hit the nail right on the head within a very short period of time and helped us a great deal. That came near the end of 5 days of public hearing, as I recall.

So we are delighted to have you with us again. We look forward to your comments.

MR. KEPPEL. Thank you, Mr. Chairman.

I think your staff went through a most astonishing process in finding somebody who was supposed to summarize and synthesize. One usually looks for somebody with personal or professional detachment. I had something to do with Secretary Weaver when he was at HUD. He is an old colleague and close personal friend. Bob McKay and I are colleagues right now. Mr. Green and I worked on Prince Edward County schools and I even appointed James Coleman to make that report that started all this.

[Laughter.]

As a matter of fact, I have even traveled to Boston, Detroit, and Chicago. But I came back fast from Chicago. Therefore, I am not detached and I am perfectly sure, Mr. Chairman, that you knew very well that I am not.

What I was trying to do was to listen. The meeting is impossible to summarize. In any case, it is impertinent to summarize to a commission of this distinction and an audience of this distinction what they have been hearing and reading. I am not going to try.

Now that I am back in the hallowed halls of bureaucracy, I will go back to my old habits, which is the way we always make progress in Washington—let me try to "reorganize."

CHAIRMAN FLEMMING. That is in order, always.

MR. KEPPEL. Let me think from the point of view of the members of the Commission as to what its agenda might be without pretending to any knowledge about what conclusions might be reached.

I take it, not exactly from what was directly said today but from what lay behind whatever anyone was saying, that the hardest job is to get the perspective right in the public mind; the extent to which there is an understanding (and I don't pretend that it be a social scientific understanding) of the kind of history that Secretary Weaver was speaking to this morning.

He reports social forces that have been at work, some of them for 100 years, some since the Second World War, some even more recent, which are deep, fundamental forces. Compared to them the small percentage figures shown in some of the studies being argued today about white flight are tiny. The need for perspective seems to me to be the most difficult problem we have. It is a perspective, as the Chairman has made clear, which involves social class.

A second aspect, a more recent aspect, of what seems to me as perspective, is a point Mr. McKay made this morning. I will try to repeat it. He pointed to the fact that when the executive, the legislative and judicial branches were going in the same direction, at roughly the same time, one had not only something "happening" in the sense of public education, but one also had something happening in public attitude and public response. When these three either went at different speeds or in different directions (and I think Mr. McKay suggested maybe both of those took place at one time or another) one faces a completely different situation.

The first case (where they were going together) was illustrated at the beginning of Mr. Coleman's paper, where I recall there was that most dramatic figure of change in the Southeast. There seemed to be a difference during the period in which the executive, the legislative, and judiciary went forward together. An aspect: Busing is, as Mr. McKay put it, a legal conclusion. But it is also a symbolic issue. I submit this (the question of perspective on busing) is the first agenda item for the Commission.

The second is an estimate by the Commission of where we actually are in the United States. The Vice Chairman has been putting questions to try to get a reasonably accurate picture of which way are we moving. To put it rather bluntly, given the fact that the executive, legislative, and judicial would appear to be going in somewhat different directions from each other, is the net effect that the Nation is moving backward into the sixties? This is a judgment that the Commission and people of the United States have to make.

It is perfectly clear there is considerable disagreement on the facts as they are collected now, or the ersatz facts as perhaps one could argue they are sometimes. Consider the percentage changes in proportion of the white population out from the cities, which has been a subject of enormous public dispute: How important is that shift over time and in comparison to the past? I am forced to ask myself that question compared to the larger question of carrying out moral, as well as the legal, considerations.

Mr. Chairman, I would judge more than half of what we have been talking about has been the question of how much we trust the studies. Social scientists seem to be developing—which they didn't always have in the sixties—a kind of commendable modesty and civility with each other. They are asking themselves the question: How much should one depend on what they tell us?

I am forced to comment that I feel deeply sympathetic with the Commission. You have clearly before you the extraordinarily difficult problem of balancing off the legal argument—which is clear enough—against that of reliance on sociological data.

I am sure that in Boston—though not stated here, but surely underneath what was stated here—the clear issue was how much aching, heartbreaking reaction, physical reaction, can you ask of a community?

The Commission is faced with proposals it might make for changes in the law. I assume one of the tasks of the Commission is also to influence professional understanding. It was hinted but never quite stated here that a number of things had to come together for desegregation to work well. This means a relationship between the methods by which the courts make decisions on specific cases, the executive branch makes decisions on specific cases, and the legislative branch makes policy.

Now, I heard nothing said today as to whether there is any informal machinery—other than of the Commission— between these branches. I have served as a master in a court, and I am well aware of the fact that the court operates to a great degree by itself. What may be missing, at which the Commission might look is the possibility of the informal (under our separation of government I guess it would have to be that way) system of communication between the three branches of government. I have heard no reference to this today.

The Vice Chairman raised the question of effective remedies. But I judge that is not your topic today. That is, you are not dealing with the question of what remedy obtained the best results for pupils. Might I assume that is coming up some other time?

Finally, we have trouble, troubled societies, very troubled with the effects of what they are doing, or the noneffects. We have lawyers, as I understand it, concerned that they are moving into an area where, while they know the constitutional interpretation, they cannot predict the social reactions. We have an executive branch banged around between the two.

I want to close, Mr. Chairman, where I closed the last time I testified before you—and this is personal, not an effort to summarize. I want to say that from what I have sensed and underneath what I heard said about the shifts of attitudes, both by Mr. Weaver and Mr. McKay, that the only likely way in which deep-lying attitudes are going to be changed—on which there was evidence saying they had been changed in some cases—was when the executive branch fully supported the judicial with all the powers of the state.

Curiously, that point never came up in a single one of the discussions today. But is that not ultimately where fundamental national opinions are formed?

CHAIRMAN FLEMMING. You did raise that one in Boston. You probably recall this was one of our major points in our findings and recommendations.

MR. KEPPEL. It may be that the way to have the largest effect on the public opinion is that very act, to put matters into perspective.

CHAIRMAN FLEMMING. You have been very helpful.

I will ask if there are any questions, comments, my colleagues might like to make in light of Dr. Keppel's comments.

COMMISSIONER SALTZMAN. I appreciate the significance of leadership. Perhaps on a par with that is the significance of the kinds of structural changes which bring attitudinal changes. As I have personally gone along in the work of the Commission I have come more and more to recognize the significance; structural changes bring about fundamental attitudinal changes rather than the reverse.

MR. KEPPEL. I think I would agree. I am not sure what you mean by structural changes. Would this mean metropolitanization as one example?

COMMISSIONER SALTZMAN. And desegregation of schools and experience with the buses rather than talking about the buses.

MR. KEPPEL. Mr. Weaver used the phrase, if I remember correctly—I don't understand the language of the social sciences—but I think he said he wanted to talk about "behavior."

VICE CHAIRMAN HORN. I was intrigued by your idea of getting some group that could bridge the gap in an informal way between the legislative and judicial and executive branches. That is one device which, while it might not be perfect, might bring people together to get at the problem solving and get away from the rhetoric. I think there are a few such proposals in Congress. In raising this question I am not making any commitment to them because I haven't read them. I have just heard about them. But I am thinking about a Hoover- type commission made up of perhaps 15 or 20 American men and women with impeccable credentials from both parties, perhaps a few retired judges as well as some current and former Members of the Congress, private citizens, members of the executive branch, who could supervise—you have heard me preach on this before—the implementation of a national longitudinal study and could really take a fresh look at what is going on in this country and try to come forth with some recommendations to the American people as well as the governmental structure to solve some of these problems. How would you react to that?

MR. KEPPEL. I would react favorably. I think I am trying to go one step further. A lot of this depends on the timing in particular cases of actions which are both executive and judicial; more rarely legislative, but occasionally so.

It is bringing together the action of those two, a continuing process of some sort which, for all I know, may well be going on informally

right now, but I just don't know of it. I am struck with the loneliness, Mr. Chairman, of the people involved in this.

CHAIRMAN FLEMMING. I wouldn't object to that kind of an approach to deal with some of the basic issues that confront us in this area. But I sense you're saying something different. You stress the informal, and it would have to be informal because of our separation of powers. Yet there is not anything—there isn't that kind of a dialogue going on at the present time between people in the executive branch and the legislative branch and the judiciary.

MR. KEPPEL. When I was Commissioner of Education I always got the impression that I couldn't, shouldn't, and in any case didn't call up the office of the Federal district judge. That isn't to say we never had gossip sessions going on. But I don't think the gossip system is a very effective way of doing things.

CHAIRMAN FLEMMING. That is an interesting job description.

But what you are feeling for, I think, is very, very important.

Of course, the thing that keeps emerging from all of these discussions, as far as I am concerned, is the fact that some of the so-called studies and some of the articles, editorials, and so on are just leading people down a blind alley, just like we found in Boston.

People who talk about the fact that they can bring about some change in Federal laws that would make it possible to avoid confronting what the judges say we have to confront are rendering a great disservice.

We are not going to take away in the final analysis from the courts the authority to implement provisions in the Constitution.

I agree with Dean McKay.

If we move in the direction of some of these proposed constitutional amendments in this and one or two other areas I could mention, it would mean that, for the first time, we would be amending the Constitution of the United States in order to water down or deprive persons of rights instead of amending the Constitution in order to strengthen or add to the rights that the people have. I don't think there is enough emphasis on that aspect of some current efforts to amend the Constitution.

Over the next 8 or 9 months we are going to do our best to get on the top of the table some of the forward movement in this area. Some of us feel that a hearing like the Boston hearing helps.

I also, as Commissioner Saltzman said, believe we cannot overlook the fact that we are dealing with basic constitutional and moral issues.

VICE CHAIRMAN HORN. In conclusion, I would like placed in the record this brief summary prepared by the RAND Corporation which I have referred to on a number of occasions.

CHAIRMAN FLEMMING. Without objection, it will be done.

[The material referred to is on file at the U.S. Commission on Civil Rights.]

CHAIRMAN FLEMMING. Do any other members of the Commission have any other comments?

If not, we express to Dr. Wolf and Dr. Epps, again, our appreciation for their being here. And, again, Mr. Keppel, thanks so much.